

route through the additional area to the CSX Harriman Yard would be on existing rail, not new rail, and would add routine transient traffic to an existing facility. EPA also requests data on how many of the affected people are low-income minorities. With the proposed Walnut Hill spur, the project impact area has approximately 53 persons (2.3 percent of the total population) who are both minority and low-income. Without the Walnut Hill spur (the coal goes to the CSX Harriman Yard), the impact area would have approximately 109 persons (2.8 percent of the total population) who are low-income minorities. TVA does not believe that these impacts are disproportionately high.

After carefully considering EPA comments, TVA has decided to implement Alternative C as identified in its Final EIS.

Environmentally Preferable Alternative

Because Alternative A, No Action, would result in no change in existing conditions, it could be characterized as the environmentally preferable alternative. However, Alternative A does not accomplish the goal of reducing fuel costs. Further, none of the action alternatives would be environmentally destructive and none would likely result in significant environmental impacts. Of the action alternatives, Alternative C is environmentally preferable due to fewer impacts to wetlands and prime farmlands.

Environmental Consequences and Commitments

In choosing Alternative C, all practical means to avoid or minimize environmental harm have been adopted. These measures are listed below:

- To minimize noise impacts in the rural Swan Pond Circle community, the radius of track curvature would be kept as high as possible to minimize wheel-squeal. Noise will also be reduced by the use of welded rail in the Swan Pond community area. Also, all construction equipment will be equipped with noise attenuating devices, such as mufflers and insulated engine housings.
- On-site open burning will not be conducted when an air stagnation advisory or a special dispersion statement issued by the National Weather Service is in effect for the area. Where necessary, a water wagon will be used to control dust associated with construction activities.
- Should a potentially adverse water pollution incident occur in association with construction, state regulators and upstream and downstream water supply

operators will be notified. During construction, Best Management Practices for silt control will be utilized, including straw dikes, filter fabric, and where necessary, retention basins.

- Sinkhole subsidence or collapse will be avoided by appropriate planning and design based on sound geotechnical investigations. Proper spill prevention procedures will be put in place to prevent contamination of groundwater from fuels, oils, and solvents during construction.

- Appropriate hydraulic analyses will be performed to ensure that the project is consistent with local floodplain regulations.

- Direct impacts to riparian zone forests at the Emory River bridge crossing will be minimized by crossing the river at a 90-degree angle.

- Wetlands will be avoided in the Swan Pond embayment by keeping all construction for the rail spur above the 750-foot elevation except at stream crossings.

- Phase II and III archaeological surveys will be conducted during the Spring of 1997 to determine the significance of the four archaeological sites in the corridor, and to allow any needed data recovery from the sites.

- TVA will design the final centerline alignment such that the distance between road crossings is greater than 7000 feet.

Dated: March 10, 1997.

Gregory M. Vincent,

*Vice President, Fuel Supply and Engineering
Fossil and Hydro Power.*

[FR Doc. 97-8513 Filed 4-2-97; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of 8 currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than June 2, 1997.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Ms. Gloria Swanson, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, or Ms. MaryAnn Johnson, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number _____." Alternatively, comments may be transmitted via facsimile to (202) 632-3843 or (202) 632-3876, or by E-mail to Ms. Swanson at gloria.swanson@fra.dot.gov, or to Ms. Johnson at maryann.johnson@fra.dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Gloria Swanson, Office of Planning and Evaluation division, RRS-21, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590 (telephone: (202) 632-3318) or MaryAnn Johnson, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590 (telephone (202) 632-3226). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104-13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501-3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60 days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(i), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii)

the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)-(iv); 5 CFR 1320.8(d)(1)(i)-(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received

will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a "user friendly" format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of 8 currently approved information collection activities that FRA will submit for clearance by OMB as required by the PRA:

Title: Certification of Glazing Material.

OMB Control Number: 2130-0525.

Abstract: The Federal Railroad Administration's Safety Glazing Standards (49 CFR part 223) establish minimum requirements for glazing materials to protect individuals from personal injury as a result of objects

striking the windows of locomotives, passenger cars and cabooses. Specifically, appendix A of part 223 establishes requirements for the certification and permanent marking of glazing materials by the manufacturer along with the responsibility of the manufacturer to make available test verification data to railroads and the FRA upon request. The certification, marking and supporting testing data assure the railroads and the FRA that the particular type of glazing material has been tested and verified for use as either FRA Type I or Type II glazing.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 5

Manufacturers of Glazing Material.

Frequency of Submission: On occasion.

Reporting Burden:

Information collection requirement	Respondent universe	Total responses	Average time per response	Total annual burden hours
Request for Glazing Material	5 Manufacturers	105 requests	30 minutes	265
Preparing and recording glazing marking information.	5 Manufacturers	20,000 pieces of glazing material.	480 per hour	41.7
New certification tests	1 Manufacturer	1 every five years	70 hours	14

Respondent Universe: 5 Glazing Material Manufacturers.

Estimated Total Annual Burden Hours: 320.7.

Status: Regular Review.

Title: Rear-end Marking Devices.

OMB Control Number: 2130-0523.

Abstract: On January 11, 1977, FRA issued part 221 (Rear End Marking Device—Passenger, Commuter and Freight Trains) of Title 49, Transportation. Through the

requirements of part 221, FRA ensures that marking devices for the trailing end of rear cars meet minimum requirements regarding visibility and display. The regulations establish the performance standards for "highly visible" marking devices in order to be approved by the Federal Railroad Administrator. The required submissions and record keeping requirements enable FRA's enforcement

personnel to effectively control the use of illegal, ineffective, or approved devices which do not provide sufficient "visibility" to maintain the desired degree of safety in train operations.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 5 new railroads.

Frequency of Submission: On occasion.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Request for approval	5 railroads	5 requests	4 hour	20.
Recordkeeping	5 railroads	5 records	6 minutes	30 min.

Estimated Total Annual Burden Hours: 20.5 hours.

Status: Regular Review.

Title: Transmission of Train Order by Radio.

OMB Control Number: 2130-0524.

Abstract: As a result of increasing human-factor related accident rates, including those accidents attributed to misuse of radios in railroad operations, the Federal Railroad Administration determined that there was a need for stricter rules governing the use of radios in railroad operations. Many unsafe practices in the use of radios in railroad operations were occurring routinely. On

January 27, 1977, the Federal Railroad Administration (FRA) published in the **Federal Register** a final rule establishing a new part 220 (Radio Standards and Procedures) which prescribes mandatory procedures governing the use of radio communications in connection with railroad operations. FRA's Office of Safety personnel review this information to determine that the minimum standards established by the regulation are being met and will enable both the railroads and the FRA to focus attention on these procedures which are unique to radio-train operations. FRA's analysis of the submittal will enable it

to identify unsafe operating practices in the use of radio communications in railroad operations. If the submissions were not required, accidents would then be the primary method of identification and prevention efforts would be hampered.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 620 railroads.

Frequency of Submission: On occasion (record keeping).

Total Responses: 7,200,000 train orders annually.

Average Time Per Response: 2 minutes.

Estimated Total Annual Burden Hours: 240,000 hours.

Status: Regular Review.

Title: Railroad Operating Rules and Radio Standards and Procedures.

OMB Control Number: 2130-0035.

Abstract: As a result of an increasing number of accidents caused by human factors, the Federal Railroad Administration (FRA) determined that railroad operating rules, implemented by all of the nation's railroads, needed regulatory review. On November 23, 1974, FRA issued part 217 (Railroad Operating Rules). 39 FR 41175 (1974). These rules were substantially revised on August 22, 1994. The requirements

of this rule enable FRA to monitor each railroad's compliance with its operating rules regarding the movement of trains and other rolling equipment in the railroad industry and the operating rules instructions that each railroad provides to its employees. FRA's Office of Safety analyzes the information in considering waiver petitions, accident investigations, and inquires into operating practices on selected railroads. Information will also enable the FRA to review amendments to railroad operating rules, timetables, and timetable special instructions and evaluate those changes in reference to

operational safety. Furthermore, this information enables FRA to monitor a railroad's compliance with its operating rules and evaluate a railroad's program to achieve employee compliance with its operating rules. If this information was not made available to FRA, such nondisclosure would impede prevention efforts, leaving accidents as the primary method to identify unsafe railroad operating practices.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe:

Frequency of Submission: On occasion.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Part 217.7—Filing of operating rules, timetable and timetable special instructions.	1 new railroad	1 filing	1 hour	1.
217.7—Filing of amendments to operating rules, timetables and timetable special instructions.	25 railroads	75 amendments33 hour	25.
217.7—Record keeping requirement—Class III railroads—copy of operating rules, timetables, and timetable special instructions.	25 new Class III RRs	25 records92 hour	23.
217.7—Class III RRs—Amendments to operating rules, timetables, and timetable special instructions.	595 railroads	1,785 amendments	15 minutes	446.
217.9				
—Program for periodic performance of operational tests and inspections.	25 new railroads	25 filings	9.92 hours	25.
—Filing of amendments to the program for periodic performance of operational tests and inspections.	620 railroads	3,100 amendments	1.92 hour	5,952.
—Records of operational tests and inspections.	620 railroads	495,000 records	15 minutes	123,750.
—Written summary	55 railroads	55 summaries	7 hours	385.
217.11				
—Program for periodic instructions of its employees.	25 railroads	25 programs	9.92 hours	248.
—Amendments to operating rules instruction program.	620 railroads	75 amendments92 hour	69.
220.21(b)—Radio Operating Rules	620 railroads	N/A	N/A	No additional burden—covered under 217.7.

Estimated Total Annual Burden Hours: 130,924.

Status: Regular Review.

Title: State Safety Participation Regulations.

OMB Control Number: 2130-0509.

Abstract: October 16, 1970, Congress enacted the Federal Railroad Safety Act of 1970 (45 U.S.C. 435). This Act gave the Secretary of Transportation the authority to prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety.

In order to establish nationally uniform railroad regulations, the statute envisioned that the Federal Government would be responsible for the

establishment and primary enforcement of railroad safety regulations. To assist in achieving this goal, conflicting state rules were preempted. In lieu of their prior role, states were given the opportunity to participate with the Federal Government in carrying out a portion of the investigative and surveillance activities relating to any safety rules issued under this statute.

FRA implemented this statutory concept with the adoption of the State Participation Regulation in 1975 (49 CFR part 212) which provided the necessary administrative and legal framework for enforcement and funding purposes. Federal funding for the state

participation program was eliminated in Fiscal Year 1986.

State inspectors are now authorized to work in all FRA inspection disciplines. States can currently inspect track, freight cars, locomotives, brake systems, operating practices, safety glazing, safety appliances, hazardous materials, and signal systems.

FRA continues to assist the states in (1) certifying their inspectors and provides on-the-job and classroom training and (2) coordinating and consolidating state inspection plans into FRA's National Inspection Plan. This plan is revised annually to reflect current safety issues and to establish the priority of national inspection efforts

and ensure coordination with state safety programs.

The information is collected in order to comply with Federal railroad safety laws and regulations concerning the State Participation Program. Inspection information received from state agencies on their railroad safety investigative and surveillance activities will be used by FRA to implement the statutory laws. A portion of the information is needed to

establish the legal authority for certain aspects in processing administrative or litigation responses in noncompliance situations. The final portion of the information is needed for the overall administration and management of the program. These data are used in monitoring the effectiveness of the program and in preparing various annual safety reports including mandated reports to the Congress. From

this information, FRA can determine if the State Participation Program is being productive and properly managed.

Form Number(s): 6180.10, 29, 29A, 67, 68, 68A, 69, 79, 96, 96A, 96B.

Affected Public: Businesses.

Respondent Universe: 49 States.

Frequency of Submission: On occasion; Record keeping; Annually.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Application for Participation:				
—Annual update	16 States	16 updates	2.5 hours	40
—Exhibit 3—training funding agreement.	32 States	32 agreements	1 hour	32
Annual Work Plan	32 States	32 reports	30 hours	960
Motive Power and Equipment Violation Report (6180.68, 68A, and 69).	18 States	335 reports	1 hour	335
Operating Practices Violation Report (6180.67).	9 States	40 reports	1 hour	40
Violation of Hazardous Materials Inspection Reports (FRA F 6180.67).	10 States	64 reports	13 hours	832
Violations of Locomotive Inspection Act Reports (FRA F 6180.10).	15 States	27 reports	40 minutes	18
Violation of Safety Appliance Law Report (FRA F 6180.29 & 29A).	17 States	53 reports	1 hour	53
Violation of Hours of Service Law Report (FRA F 6180.33).	9 States	21 reports	1 hour	21
Violation of Accident/Incident Reporting Rules Report (FRA F 6180.61).	9 States	10 reports	1 hour	5
Inspection Report (FRA F 6180.96, 96A, and 96B).	32 States	12,500 reports	33 minutes	6,875
Remedial Action Report	32 States	5,048 reports	15 minutes	1,262
Remedial Action Report—Written explanation.	620 railroads	1,010 written explanations	1 hour	1,010
Remedial Action Report—Delayed Reports.	620 railroads	505 reports	30 minutes	253

Estimated Total Annual Burden Hours: 11,736.

Status: Regular Review.

Title: Qualification of Locomotive Engineers.

OMB Control Number: 2130-0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 required FRA to adopt rules prescribing the licensing or certification of locomotive operators. Under the statute those rules were to be structured so that (1) FRA approves the qualification standards set by railroads; (2) FRA prescribes minimum training requirements; (3) FRA requires comprehensive knowledge of relevant operating procedures; and (4) consideration of motor vehicle driving records (including data on file with the National Driver Register maintained by National Highway Traffic Safety Administration) (NHTSA) is provided for. On June 19, 1991, FRA issued a final rule on Qualifications for Locomotive Engineers implementing the requirements of Section 4 of the Rail Safety Improvement Act of 1988.

Information collection requirements concerning individuals primarily will be used by railroads to evaluate each person's qualification to be a locomotive operator. Secondary usage will be made by FRA in monitoring those qualification determinations and in certain circumstances (appeals of improper denial or revocation of certification) direct review of the person's fitness to be a locomotive operator. Information concerning an individual encompasses four areas: (1) Eligibility to be a locomotive operator based on prior conduct; (2) physical fitness to perform the task in terms of visual and hearing acuity; (3) possession of adequate knowledge to perform the task as demonstrated by successful passage of examinations; and (4) possession of adequate operational skills as demonstrated by successful passage of performance skill tests. In the absence of the data or any subset of this data, it will not be possible for a railroad to determine whether a person is qualified to operate a locomotive. Stated

conversely, railroads will be free to certify unqualified persons to operate locomotives. Furthermore, absent such data it would not be possible for FRA to determine whether a railroad had acted appropriately in granting or denying a person certification.

Information collection requirements concerning particular railroads will be used by FRA to evaluate the quality of each railroad's localized aspect of the overall program. Information concerning each railroad's program encompasses eight areas: (1) The selection of designated supervisors of locomotive engineers, (2) the selection of the classes of service for engineers, (3) the evaluation of the safety conduct of engineers, (4) the evaluation of engineers' hearing and visual acuity, (5) the education of engineers, (6) the testing of engineers, (7) the operational monitoring of engineers, and (8) the procedural aspects of the operation of the certification program. In the absence of the data or any subset of this data, it will not be possible for FRA to

determine whether a railroad has an appropriate method for determining that a person is qualified to operate a locomotive.
Form Number(s): N/A.
Affected Public: Businesses.

Respondent Universe: 620 Railroads.
Frequency of Submission: On occasion.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
240.9—Waivers	620 Railroads	10 waivers	1 hour	10.
240.101/103/107/109/119/121/123/125/127/129/303/Appendix B—Certification Program.	3 new Railroads	3 programs with student training.	200 hours	600.
	22 new railroads	22 programs without student program.	40 hours	880.
	25 railroads	25 reviews	1 hour	25.
240.111/Appendix C—Request for State driving license data and National Driver Register Data:				
—Driver's license data	11,333 certification candidates.	11,333 certifications	15 minutes	2,833.
—National Driver Register Data	N/A	N/A	N/A	Approved under OMB # 2127-0001.
—Request for NDR data from a State agency.	1,133 candidates	1,133 requests	30 minutes	567.
—Response from State agency on request for NDR data.	4 States	1,133 responses	15 minutes	283.
—Railroad Notification to candidate when there is an NDR match and subsequent request from candidate to State agency for relevant data.	227 candidates	227 notifications/requests.	30 minutes	114.
240.111(g)—Notice to railroad of absence of license.	34,000 candidates	4 notices	15 minutes	1.
240.113—Notice to railroad furnishing data on prior safety conduct as an employee of a different railroad.	227 candidates	227 notices	45 minutes	170.
240.115—Candidate's review and written comments on prior safety conduct data.	340 candidates	340 responses	30 minutes	170.
240.201/221—List of designated supervisor of locomotive engineers.	620 railroads	620 updates	15 minutes	155.
240.201/221—List of Designated qualified locomotive engineers.	620 railroads	620 updates	15 minutes	155.
240.201/223/301:				
—Locomotive engineers certificate.	620 railroads	11,333 certificates	5 minutes	944.
—List of designated persons authorized to sign locomotive engineers certificate.	620 railroads	20 lists	15 minutes	5.
240.205—Data to EAP Counselor	227 candidates	227 requests	5 minutes	19.
240.207—Medical Certificate	11,333 candidates	11,333 certificates	70 minutes	13,222.
240.209/211/213:				
—Written test	620 railroads	11,333 tests	2 hours	22,666.
—Performance test	620 railroads	11,333 tests	2 hours	22,666.
Recordkeeping for each certified locomotive engineer.	620 railroads	11,333 records	10 minutes	1,889.
Denial of certification:				
—notification and candidate's response.	620 railroads	1,113 denials—responses.	1.5 hours	1,700.
—notification to candidate of adverse decision.	620 railroads	1,113 notifications	1 hour	1,113.
240.227—Canadian certification data	_____ railroads	200 certifications	15 minutes	50.
240.303—Annual Operational Monitor Test.	620 railroads	34,000 tests	1 hour	34,000.
Annual Operational Observation	620 railroads	34,000 tests	2 hours	68,000.
240.305—Engineer's notification of non-qualification.	34,000 engineers	340 notifications	15 minutes	85.
240.305—Engineer's notice of loss of qualification.	34,000 engineers	510 notices	1 hour	510.
240.307—Notice to engineer of disqualification.	620 railroads	3,400 notices	1 hour	3,400.
Railroad Annual Review	75 railroads	75 reviews	80 hours	6,000.
Engineer's appeal to FRA when a certification is denied, revoked or suspended.	34,000 engineers	70 petitions	30 minutes	35.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Railroad's Response to Appeal	620 railroads	70 appeal cases	15 minutes	18.
Request for a Hearing	70 engineers	14 requests	30 minutes	7.
Appeals	14 engineers	2 appeals	30 minutes	1.

Estimated Total Annual Burden Hours: 182,293.

Status: Regular Review.

Title: Hours of Service Regulations.

OMB Control Number: 2130-0005.

Abstract: These requirements resulted from enactment of the Hours of Service Act of 1907, later revised in 1969 by Pub. L. 91-169. Further amendments were enacted as part of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348. The stated purpose of the Act is “* * * to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees * * *.”

Congress enacted the Act because of the many serious accidents that were occurring before the limitations were imposed. The Act specified the maximum working hours of employees engaged in one or more critical categories of work. Through the requirements of 49 CFR part 228, the

Federal Railroad Administration administers the requirements of the Hours of Service Act.

The record keeping requirements contained in 49 CFR part 228 were designed to collect the hours of duty for covered employees, and records of train movements. Railroads whose employees have exceeded maximum duty limitations must report the circumstances. These requirements serve as a deterrent to violations and to document violations for prosecution. Loss of life caused by excess service today is practically nonexistent.

The regulations pertaining to construction of employee sleeping quarters are contained in subpart C of 49 CFR part 228 (Hours of Service of Railroad Employees). A railroad that has developed plans for construction or reconstruction of sleeping quarters must obtain approval of the Federal Railroad Administration by filing a petition

conforming to the requirements of §§ 228.101, 228.103, and 228.105.

FRA's Office of Safety utilizes the information while performing compliance, violation and accident investigations. Without this information, FRA would be impeded during enforcement and a railroad would permit excess service to occur.

The information contained in the petitions for approval for construction of employee sleeping quarters is used by FRA headquarters staff to prepare and issue the public notice, by regional staff in investigation of the petitions, and by the Associate Administrator for Safety to render an informed and logical approval or denial of such petitions.

Form Number(s): 6180.3.

Affected Public: Businesses.

Respondent Universe: 400 railroads.

Frequency of Submission: On occasion.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
228.11-Hours of duty records	400 railroads	5.475 million records	7 minutes	638,750
228.17-Dispatchers record of train movement.	150 dispatch offices	54,750 records	2 hours	109,500
228/19-Monthly reports of excess service	400 railroads	1,500 reports	15 minutes	375
228.103-Construction of employee sleeping quarters.	400 railroads	1 petition	16 hours	16
45 U.S.C. 61-641-Hours of Service Act-Request of exemption.	15 railroads	15 petitions	10 hours	150

Estimated Total Annual Burden Hours: 748,791.

Status: Regular Review.

Title: Designation of Qualified Persons (Track) and Records of Results of Track Inspections.

OMB Control Number: 2130-0010.

Abstract: The Track Standards (49 CFR part 213) establish requirements for the inspection of all track to determine its suitability for train operation and Section 213.7 prescribes that inspections for determination of safety compliance must be conducted by persons possessing the necessary qualifications and authority to institute immediate remedial action. Since the first indications of impending safety defects must be recognized and acted upon by the railroad employee assigned to inspect track, it is imperative that the individual assigned possess the experience and knowledge required to

effectively perform that function. The railroads are required to assure themselves that any person assigned to inspect track or repair track is indeed qualified and to maintain a list of those employees. The form of that record is left to the discretion of the railroad and may be computerized. However, the record must show each designation in effect and the basis for each designation. These records must be kept current and available to Federal and State track inspectors engaged in the enforcement of the Track Standards.

Subpart F of the Track Standards (49 CFR part 213) establishes requirements for the inspection of all track by qualified persons to determine its suitability for train operation and § 213.241 prescribes that appropriate records of those inspections are maintained at the railroad's division headquarters. The form of that record is

left to the discretion of the railroad and may be either preprinted or computerized. However, the record must show when the inspection was made, the specific track inspected, any conditions which require repair and must be signed by the inspector. Track inspection records must be retained at the railroad's division headquarters for one year. Rail inspection records must be retained for two years after the inspection.

These reports are used initially by the railroad companies to see that tracks are inspected periodically, that the inspectors are properly qualified, that the tracks are in safe condition for train operations, and the reports may be used for maintenance planning where repetitive defective conditions occur.

These same inspection reports are examined periodically by Federal and State investigators to determine the

railroad's compliance with the inspection frequency requirement of the Track Safety Standards and persons assigned to inspect tracks have been properly designated. By comparison of remedial action notations on the reports with actual track conditions, it is possible to judge the quality of railroad

performed inspections. The railroads employ some 5,000 persons who are routinely engaged in track inspection and the review of these reports may reveal weaknesses, if any, in the railroad's inspection and maintenance program or discrepancies in employee designation. The absence of these

inspection reports would substantially harm the Government's railroad safety program.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 620 railroads.

Frequency of Submission: On occasion.

Information collection requirement	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Track Inspection Records	620 railroads	1,622,000 inspection miles	10 miles of track inspected per hour + 5 min. for Report preparation.	1,757,166
Internal Rail Flaws	620 railroads	N/A	N/A	6,608
Records of Qualified Track Inspectors	620 railroads	2,000 updates	30 minutes	1,000

Estimated Total Annual Burden Hours: 1,764,774.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on March 31, 1997.

Marie S. Savoy,

Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 97–8540 Filed 4–2–97; 8:45 am]

BILLING CODE 4910–62–M

Reports, Form and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment based on revisions to the current collection. Four of the several rules to amend 49 CFR Part 225, published on December 23, 1996 (61 FR 67477) contain amendments to the approved information collection activities, while one adds a new information collection requirement. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was

published on December 24, 1996 (61 FR, page 67869).

DATES: Comments must be submitted on or before May 5, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Gloria Swanson Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590 (telephone: (202) 632–3318) or Ms. Mary Ann Johnson, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590 (telephone: (202) 632–3226). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Federal Railroad Administration

Office of Safety

Title: Accident/Incident Reporting and Recordkeeping.

OMB No.: 2130–0500.

Affected Public: 679 Railroads.

Abstract: FRA uses this information to identify hazardous conditions associated with rail transportation and to assure compliance with railroad safety laws. FRA is excepting from the requirements regarding an Internal Control Plan delineated in § 225.33(a)(3) through (a)(10) the following: (i) Railroads that operate or own track on the general railroad system of transportation (general system) that have 15 or fewer employees covered by the hours of service laws (49 U.S.C. 21101–21107) and (ii) railroads that operate or own track exclusively off the general system. However, these excepted railroads must adopt and comply with the intimidation and harassment policies outlined in § 225.33(a) (1) and (2). FRA has developed model statements of policy on intimidation and harassment to be posted by these excepted railroads. 2.

FRA is also excepting from the recordkeeping requirements regarding accountable injuries and illnesses and accountable rail equipment accidents/incidents found in § 225.25(a) through the following railroads: (i) Railroads that operate or own track on the general system that have 15 or fewer employees covered by the hours of service laws (49 U.S.C. 21101–21107) and (ii) railroads that operate or own track exclusively off the general system. 3. Further, FRA is excepting railroads that operate or own track exclusively off the general system from all the requirements of Part 225 to record or report injuries and illnesses incurred by all classifications of persons that result from most non-train incidents. (A small subcategory of non-train incidents involving in-service on-track equipment must continue to be reported and recorded.) 4. In order to minimize the burden of requiring the preparer's signature on each and every monthly list of reportable injuries and illnesses to be posted for each railroad's establishments, FRA is amending § 225.25(h)(12) so as to provide railroads with an alternative to signing each establishment's monthly list. Specifically, the preparer of the monthly list of reportable injuries and illnesses for the railroad may instead sign a cover sheet or memorandum attaching the monthly lists for each establishment for that railroad. The cover sheet memorandum must list all the establishments that post the monthly list of reportable injuries and illnesses and must be signed by the preparer. 5. Finally, FRA is amending § 225.25(h), by adding § 225.25(h)(15), to address any possible concerns with privacy rights of the employee by providing that the railroad is permitted not to post information on an injury or illness reported to FRA, if the employee who incurred the injury or illness makes a request in writing to the railroad's