

Mexico-domiciled carriers seeking authority to operate in the United States beyond the border commercial zones. The FMCSA determined the Certification rule was not subject to environmental analysis due to a categorical exclusion.

A group of labor, industry, and environmental organizations sought review of the regulations in the United States Court of Appeals for the Ninth Circuit, alleging FMCSA had violated NEPA and the CAA. The Ninth Circuit ruled a PEIS and General Conformity Evaluation under the CAA were required. The Court also determined the Certification rule did not fall within any of the existing DOT categorical exclusions and therefore, the court held DOT acted arbitrarily and capriciously by failing to conduct any environmental analysis.

In light of the Ninth Circuit's opinion, the FMCSA intends to prepare a PEIS pursuant to NEPA and perform a General Conformity Evaluation pursuant to the CAA for the Application and Safety Monitoring rules. The PEIS will be developed pursuant to the Council on Environmental Quality (CEQ) regulations, 40 CFR 1500 *et seq.*, and DOT Order 5610.1C, which supplements the CEQ regulations by applying them to DOT programs. The General Conformity Evaluation will be conducted pursuant to the U.S. Environmental Protection Agency's general conformity regulations, 40 CFR parts 51 and 93.

The FMCSA is currently preparing an Environmental Assessment (EA) for the Certification rule. Should the EA determine an EIS is required for the Certification rule, a supplemental Notice of Intent will be issued.

A letter describing the proposed regulations and soliciting comments will be sent to all appropriate Federal, State, local, and tribal agencies, as well as to private organizations and individuals who have expressed an interest in this matter. Interagency and public scoping meetings will be scheduled in the near future. Public notice will be given, providing the time and place of the meetings.

To ensure the full range of issues related to these proposed regulations are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed regulations and the PEIS should be directed to the FMCSA at the above address.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, and Number 20.218 National Motor Carrier Safety (MCSAP). The

regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 20, 2003.

Annette M. Sandberg,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

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 the following 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 October 27, 2003.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, 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) 493-6230 or (202) 493-6170, or E-mail to Mr. Brogan at robert.brogan@fra.dot.gov, or to Ms. Steward at debra.steward@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: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493-6292) or Debra Steward, Office of Information Technology and Productivity Improvement, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104-13, § 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)(1), 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 the three currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Inspection Brake System Safety Standards For Freight and Other Non-Passenger Trains and Equipment (Power Brakes and Drawbars).

OMB Control Number: 2130-0008.

Abstract: Section 7 of the Rail Safety Enforcement and Review Act of 1992, Public Law No. 102-365, amended Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421, 431 *et seq.*), empowered the Secretary of Transportation to conduct a review of

the Department's rules with respect to railroad power brakes and, where applicable, prescribe standards regarding dynamic brake equipment. In keeping with the Secretary's mandate and the authority delegated from him to the FRA Administrator, FRA recently published a comprehensive regulatory revision of the then current requirements related to the inspection, testing, and maintenance of the brake equipment used in freight car operations. The Final Rule focused solely on freight and other non-passenger trains, and codified and solidified the maintenance requirements related to the power brake system and

its components. The collection of information is used by FRA to monitor and enforce safety requirements related to power brakes on freight cars. The collection of information is also used by locomotive engineers and road crews to verify that the terminal air brake test has been performed in a satisfactory manner.

Form Number(s): None.

Affected Public: Businesses.

Respondent Universe: 545 railroads.

Frequency of Submission: On occasion.

Affected Public: Businesses.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
229.27—Annual Tests	20,000 locomotives	18,000 tests	15 minutes	4,500	\$166,500
232.1—Scope—Requests For Earlier Application of Requirements in Subparts A–C, F.	545 railroads	4 requests	1 hour	4	224
232.3—Applicability—Cars Not Used in Service.	545 railroads	8 cards	10 minutes	1	35
232.7—Waivers	545 railroads	20 petitions	40 hours	800	28,000
232.11—Penalties	545 railroads	1 false record	10 minutes	.20	7
232.15—Movement of Defective Equipment.	1,620,000 cars/locomotives.	128,400 tags	2.5 minutes	5,350	197,950
—Notice of Defective Car/Locomotive and Restrictions.	1,620,000 cars/locomotives.	25,000 notices	3 minutes	1,060	46,250
232.17—Special Approval Procedure.	545 railroads	4 petitions	100 hours	400	22,400
—Petitions For Special Approval of Pre-Revenue Service Acceptance Testing Plan.	545 railroads	2 petitions	100 hours	200	11,200
—Copies of Petitions For Special Approval Procedure.	545 railroads	4 petitions	40 hours	160	5,600
—Statements of Interest	Public/railroads	14 statements	8 hours	112	3,920
—Comments on Special Approval Procedure Petition.	Public/railroads	13 comments	4 hours	52	1,820
232.103—General Requirements For All Train Brakes.	370,000 cars	66,660 stickers	10 minutes	11,110	230,644
232.105—General Requirements For Locomotives.	20,000 locomotives	20,000 forms	5 minutes	1,667	61,679
232.107—Air Source Requirements—Plans To Monitor All Air Yard Sources: First Year.	545 railroads	50 plans	40	2,000	38,080
—Subsequent Years	25 new railroads	1 plan	40 hours	40	2,240
—Amendments to Plan	50 existing plans	10 amendments	20 hours	200	11,200
—Record Keeping	50 existing plans	1,150 records	20 hours	23,000	805,000
—Written Operating Procedures/Plans.	545 railroads	37 plans	20 hours	740	41,440
232.109—Dynamic Brake Requirements—Records.	545 railroads	1,656,000 records	4 minutes	110,400	3,864,000
—Repair of Inoperative Dynamic Brakes.	20,000 locomotives	6,358 records	4 minutes	424	14,840
—Locomotives with Inoperative Dynamic Brakes—Tag.	20,000 locomotives	6,358 tags	30 seconds	53	1,961
—Deactivated Dynamic Brakes—Markings.	8,000 locomotives	2,800 markings	5 minutes	233	8,621
—Subsequent Years—Markings.	8,000 locomotives	20 markings	5 minutes	2	74
—Written Operating Rules—Safe Train Handling.	545 railroads	100 oper. rules	4 hours	400	22,400

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
—Subsequent Years—Safe Train Handling Procedures.	5 new railroads	5 oper. rules	4 hours	20	1,120
—Amendments	545 railroads	15 amendments	1 hour	15	525
—Over Speed Top Rules ...	545 railroads	182 rules	1 hour	182	10,192
—Requests to Increase 5 MPH Overs Speed Restriction.	545 railroads	5 requests	20.5 hours	103	3,605
—Locomotive Engineer Certification Programs/ PBrake.	545 railroads	100 amendments ...	16 hours	1,600	89,600
—Subsequent Years	5 new railroads	5 amendments	16 hours	80	4,480
232.111—Train Information Handling—Procedures.	545 railroads	182 procedures	50 hours	9,100	509,600
—Subsequent Years	10 new railroads	10 procedures	40 hours	400	22,400
—Amendments	100 railroads	33 amendments	20 hours	660	23,100
—Reports to Train Crews ...	545 railroads	2,112,000 rpts	10 minutes	352,000	13,024,000
232.203—Training Requirements: Training Programs.	545 railroads	100 programs	100 hours	10,000	560,000
—Subsequent Years	15 railroads	1 program	100 hours	100	5,600
—Amendments to Written Program.	545 railroads	182 amendments ...	8 hours	1,456	50,960
—Training Records	545 railroads	67,000 records	8 minutes	8,933	312,655
—Training Notifications	545 railroads	67,000 notices	3 minutes	3,350	117,250
—Validation/Assessment Plans.	545 railroads	545 copies	40 hours/1 minute ...	49	2,375
Amendments to Validation/ Assessment Plans.	545 railroads	50 amendments	20 hours	1,000	35,000
232.205—Class I Brake Test—Initial Terminal Insp.	545 railroads	1,656,000 notices ...	45 seconds	20,700	931,500
232.207—Class I A Brake Tests: 1000 Mile Insp.	545 railroads	8 designations	30 minutes	4	140
—Subsequent Years	545 railroads	1 designation	1 hour	1	35
—Amendments	545 railroads	5 amendments	1 hour	5	175
232.209—Class II Brake Tests—Intermediate Insp.	545 railroads	1,600,000	3 seconds	1,333	59,985
232.213—Extended Haul Trains—Designations.	84,000 train movements.	100 designations	15 minutes	25	875
—Records	84,000 train movements.	25,200 records	20 minutes	8,400	294,000
232.303—General Requirements—Track Brake Test.	1,600,000 freight cars.	5,600 tags	5 minutes	467	17,279
—Location of Last Track Brake Test/Single Car Test.	1,600,000 freight cars.	320,000 stenciling ...	5 minutes	26,667	986,679
232.305—Single Car Tests	1,600,000 freight cars.	320,000 tests/rcds ...	45 minutes	240,000	8,400,000
232.309—Equipment and Devices—Tests/Calibrations.	640 shops	5,000 tests	30 minutes	2,500	92,500
232.403—Design Standards For One-way EOT Devices—Unique Code.	245 railroads	12 requests	5 minutes	1	35
232.407—Operations Requiring 2-Way EOTs.	245 railroads	50,000 30 commun	30 seconds	417	18,765
232.409—Inspection and Testing of 2-Way EOTs.	245 railroads	450,000 commun ...	30 seconds	3,750	138,750
—Testing Telemetry Equipment.	245 railroads	32,708 markings	60 seconds	545	20,165
232.503—Process to Introduce New Brake System Technology—Special Approval.	545 railroads	1 request/letter	60 minutes	1	56
—Pre-Revenue Service Demonstration.	545 railroads	1 request	3 hours	3	168
232.505—Pre-Revenue Service Acceptance Testing Plan: Maintenance Procedure—1st Year.	545 railroads	1 procedure	160 hours	160	8,920
—Subsequent Years	545 railroads	1 procedure	160 hours	160	8,920
—Amendments	545 railroads	1 amendment	40 hours	40	1,400
—Design Descriptions—Petitions.	545 railroads	1 petition	67 hours	67	3,752

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
—Results Pre-Revenue Service Acceptance Testing.	545 railroads	1 report	13 hours	13	455
—Description of Brake Systems Technologies Previously Used in Revenue Service.	545 railroads	5 descriptions	40 hours	200	7,000

Total Responses: 8,643,075.

Total Estimated Total Annual Burden: 857,415 hours.

Status: Regular Review.

Title: Regional Inspection Point Listing Forms.

OMB Control Number: 2130–0551.

Abstract: Through a direct comparison of inspection data with accident/incident data, the collection of information aims to develop a profile county-by-county of what there is to

inspect, and how much inspection activity was done by Federal and State railroad inspectors each year nationwide. The information collected will produce “snapshots” which will allow FRA to determine where the gaps are in inspection territories so that it can focus inspection resources where they will do the most good. As a result of the collection of information, FRA will be better able to equalize inspector workloads, and will be better able to

make informed hiring decisions regarding the most effective placement of new inspectors. More targeted inspections will permit FRA to maximize its limited resources, and will serve to enhance overall safety on the nation's rail system.

Form Number(s): FRA F 6180.106(a)–(e).

Affected Public: Businesses.

Respondent Universe: 545 railroads.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden	Total annual burden cost
FRA 6180.106(a)	20 inspectors	280 records	5 (in minutes)	23	\$736
FRA 6180.106(b)	35 inspectors	315 records	5 (in minutes)	26	832
FRA 6180.106(c)	30 inspectors	300 records	5 (in minutes)	25	800
FRA 6180.106(d)	12 inspectors	108 records	5 (in minutes)	9	288
FRA 6180.106(e)	40 inspectors	360 records	5 (in minutes)	30	960

Total Responses: 1,363.

Total Estimated Total Annual Burden: 113 hours.

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 August 19, 2003.

Kathy A. Weiner,

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

[FR Doc. 03–21765 Filed 8–25–03; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 18, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before September 25, 2003, to be assured of consideration.

Departmental Offices/Office of Financial Institutions Policy

OMB Number: 1505–0190.

Form Number: None.

Type of Review: Extension.

Title: Terrorism Risk Insurance Program Rebuttal of Controlling Influence Submissions.

Description: 31 CFR 50.8 specifies a rebuttal procedure that requires a written submission by a insurer that seeks to rebut a regulatory presumption of “controlling influence” over another insurer under the Terrorism Risk Insurance Program, to provide Treasury with necessary information to make a determination.

Respondents: Business or other for-profit, Federal Government.

Estimated Number of Respondents: 10.

Estimated Burden Hours Per Respondent: 40 hours.

Frequency of Response: Other (one time).

Estimated Total Reporting Burden: 400 hours.

Clearance Officer: Lois K. Holland, (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New