

provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 224 (Reflectorization of Rail Freight Rolling Stock). The relevant FRA Docket Number is FRA-2011-0009.

Specifically, NNR requested to extend its special approval pursuant to 49 CFR 215.203, *Restricted cars*, for a total of 13 cars, including 2 cabooses (NN 22 and NN 3), 2 flat cars (NN 23 and NN 100), 5 hopper cars (WSOR 102, WSOR 128, WSOR 134, WSOR 158, and WSOR 159), and 4 boxcars (NN 1021, NN 1023, NN 1024, and NN1025) that are more than 50 years from the date of original construction.<sup>1</sup> NNR also requests to extend its existing relief from 49 CFR 215.303, *Stenciling of restricted cars*, and 224.101, *General requirements*. NNR seeks to continue use of the cars in mobile storage, occasional tourist photographic events, and tourist excursion operations. In support of its request, NNR states that the relief would enable the cars to maintain historic integrity and that the cars would remain on NNR's track, not connected to the general railroad system.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by February 25, 2022 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association,

business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety  
Chief Safety Officer.*

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## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT-OST-2021-0166]

### Agency Request for Emergency Approval of an Information Collection

**AGENCY:** Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Department of Transportation (DOT) provides notice that it will submit an information collection requests (ICR) to the Office of Management and Budget (OMB) for emergency approval of a proposed information collection. Upon receiving the requested six-month emergency approval by OMB, the Office of the Secretary (OST) will follow the normal PRA procedures to obtain extended approval for this proposed information collection. This collection involves applicants to submit a proposal for discretionary grant funding, under the "National Infrastructure Project Assistance Program, established by the Infrastructure Investment and Jobs Act of 2021, November 15, 2021, "Bipartisan Infrastructure Law", or "BIL". OST is requesting emergency approval due to the urgency of making the associated funds available to applicants that meet the eligibility requirements under the law. The continued viability of these funds is critical in supporting the transportation infrastructure needs across the United States. The statutory requirements of the BIL also establish a strict 90-day timeframe from the date of enactment to publish a Notice of Funding Opportunity.

**DATES:** Comments should be submitted as soon as possible upon publication of this notice in the **Federal Register**.

**ADDRESSES:** Comments and questions should be directed to the Office of Information and Regulatory Affairs (OIRA), Attn: OST OMB Desk Officer, 725 17th Street NW, Washington, DC 20503. Comments and questions about the ICR identified below may be transmitted electronically to OIRA at [oira\\_submissions@omb.eop.gov](mailto:oira_submissions@omb.eop.gov).

### FOR FURTHER INFORMATION CONTACT:

Information related to this ICR, including applicable supporting documentation may be obtained by contacting John Augustine, Office of Infrastructure Finance and Innovation in the office of the Under Secretary for Transportation Policy (OST-P-40), W84-306, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-5437.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. DOT is seeking OMB approval for the following DOT information collection activity:

*OMB Control Number:* 2105-XXXX.

*Title:* National Infrastructure Project Assistance Program.

*Form Numbers:* New Collection.

*Type of Review:* Emergency information collection request.

*Expected Number of Respondents:* 100.

*Frequency:* One-time application, to be followed by grant agreement execution, reimbursement of funds, and project closeout.

*Estimated Average Burden per Response:* 100 (application submission, grant agreement execution, project management, and project evaluation/reporting).

*Estimated Total Annual Burden:* 10,000.

*Abstract:* On November 15, 2021 the Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58) "Bipartisan Infrastructure Law (BIL)" was enacted. Section 6701 established the National Infrastructure Project Assistance Program, to provide capital investments in surface transportation infrastructure that will have a significant local or regional impact.

### Application Stage

In order to be considered to receive a grant, a project sponsor must submit an application to OST containing a project narrative, as detailed in the Notice of Funding Opportunity. The project narrative should include the information necessary for the

<sup>1</sup> Along with its request to renew the relief in this docket, NNR submitted a request to extend the relief in Docket Number FRA-2016-0110 and combine that relief into the FRA-2011-0009 docket.

Department to determine that the project satisfies eligibility requirements as warranted by law.

The Department will receive applications and reports electronically via email and via websites from grant awardees upon approval from OMB. In order to minimize the burden on applicants, OMB approved standard forms are being used to collect information where possible. Such standard forms include the Application for Federal Assistance (SF-424), available online at [https://apply07.grants.gov/apply/forms/sample/SF424\\_2\\_1-V2.1.pdf](https://apply07.grants.gov/apply/forms/sample/SF424_2_1-V2.1.pdf), and the post-award Federal Financial Reports form (SF-425), available online at [https://apply07.grants.gov/apply/forms/sample/SF425\\_2\\_0-V2.0.pdf](https://apply07.grants.gov/apply/forms/sample/SF425_2_0-V2.0.pdf).

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI)"; (2) mark each affected page "CBI"; and (3) highlight or otherwise denote the CBI portions. DOT protects such information from disclosure to the extent allowed under applicable law. In the event DOT receives a Freedom of Information Act (FOIA) request for the information, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA. This grant program is voluntary. No stakeholder is required to participate. However, participating stakeholders will be expected to provide the following information.

The Department will collect the following information:

- Legal name of the applicant (*i.e.*, the legal name of the business entity), as well as any other identities under which the applicant may be doing business.
- Address, telephone, and email contact information for the applicant.
- Name and title of the authorized representative of the applicant (who will attest to the required certifications).
- DOT may also require the identity of external parties involved in preparation of the application, who may be assisting the applicant that is

applying for assistance under this program.

- The specific statutory criteria that the applicant meets for eligibility under this program.

- The statute defines eligible applicants to include States, the District of Columbia; the Commonwealth of Puerto Rico; the Commonwealth of the Northern Mariana Islands; the United States Virgin Islands; American Samoa; and, any other territory or possession of the United States; a unit of local government; a metropolitan planning organization; a unit of local government; a political subdivision of a State; a special purpose district or public authority with a transportation function, including a port authority; a Tribal government or a consortium of Tribal governments; a partnership between Amtrak and 1 or more entities described above; and a group of entities described above.

- The statute defines eligible projects to include:

(A) A highway or bridge project carried out on: (i) The National Multimodal Freight Network established under section 70103; (ii) the National Highway Freight Network established under section 167 of title 23; or (iii) the National Highway System (as defined in section 101(a) of title 23);

(B) A freight intermodal (including public ports) or freight rail project that provides a public benefit;

(C) A railway-highway grade separation or elimination project;

(D) An intercity passenger rail project;

(E) A public transportation project that is: (i) Eligible for assistance under chapter 53; and (ii) part of a project described in any of subparagraphs (A) through (D); or

(F) A grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described in subparagraphs (A) through (E); and the eligible project costs of which are: (A) Reasonably anticipated to equal or exceed \$500,000,000; or (B) for any project funded by the set-aside under subsection (m)(2): (i) More than \$100,000,000; but (ii) less than \$500,000,000.

- The specific statutory criteria for the applicant's location:

- Whether the applicant is located in an urban or rural area, as defined by the statute and outlined in the Notice of Funding Opportunity. This information and supporting documentation will be required to ensure geographical

diversity, and a balance between rural and urban communities.

- Whether the applicant is located in an area of persistent poverty and/or a historically disadvantaged community.

- A narrative description of how the project aligns with the program criteria.

- Criteria include the extent to which the project: Supports achieving a state of good repair; the level of benefits the project is expected to generate; the benefits as compared to the costs; the number of persons or volume of freight supported by the project; national and regional economic benefits; as well as additional considerations, including: Contributions to geographical diversity the including a balance between the needs of urban/rural areas; whether multiple states would benefit from a project; whether, and the degree to which, a project uses: Construction materials/approaches that have: Demonstrated GHG reductions, and a reduced the need for maintenance of other projects; technologies that will allow for future connectivity and automation; whether a project benefits: A historically disadvantaged community or population or an area or persistent poverty; whether a project benefits users of multiple modes, including: Pedestrians, bicyclists, and users of non-vehicular rail and public transportation, including intercity and commuter rail; whether a project improves connectivity between modes of transportation moving persons or goods nationally or regionally.

- A detailed project budget, including the grant request amount, other Federal funds, and non-Federal contributions. DOT requires this information to calculate the cost share requirements outlined in statute. Applicants will be required to provide supporting documentation in sufficient detail to describe the project cost breakdown.

- A plan for the collection and analysis of data to identify: The impacts of the project; and the accuracy of any forecast prepared during the development phase of the project and included in the grant application.

- Other identification numbers, such as their Data Universal Numbering System (DUNS) number, Unique Entity Identifier under 2 CFR part 25, etc. All applicants will be required to have pre-registered with the System for Award Management (SAM) at <https://sam.gov/SAM/>.

#### Grant Agreement Stage

The grant agreement is an agreement between DOT and the recipient. In the grant agreement, the recipient must describe the project that DOT agreed to fund, which is typically the project that was described in the application or a reduced-scope version of that project. The grant agreement must also include a detailed breakdown of the project schedule and a budget listing all major activities that will be completed as part of the project.

#### Project Management Stage

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule, and are also included in sections of the grant agreement. During the project management stage, the grantee will complete Quarterly Progress and Monitoring Reports to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met. The substantive requirements of the report include: The project's overall status; project significant activities and issues; action items/outstanding issues; project scope overview; project schedule; project cost; an SF-425 Federal Financial Report; and certifications. This reporting requirement will greatly reduce the need for on-site visits by staff.

#### Project Evaluation Stage

The reporting requirement under this stage is necessary to assess the long-term impact of the project by comparing the baseline data provided in the data collection plan as required in the application to project data collected during the five (5) years after project completion. This electronic spreadsheet report is collected once, at least five (5) years after project completion from grantees to help measure the effectiveness of the grants as a program. Information provided will allow the Government to analyze project performance.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC.

**John Augustine,**

*Director, Office of Infrastructure Finance and Innovation, Office of the Secretary.*

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## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network

#### Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Reports of Transactions With Foreign Financial Agencies

**AGENCY:** Financial Crimes Enforcement Network (FinCEN), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of a currently approved information collection found in existing Bank Secrecy Act regulations. Specifically, the regulations authorize the Secretary of the Treasury, as appropriate, to promulgate regulations requiring specified financial institutions to file reports with the Financial Crimes Enforcement Network of certain transactions with designated foreign financial agencies. Although no changes are proposed to the information collection itself, this request for comments covers a future expansion of the scope of the annual hourly burden and cost estimate associated with these regulations. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments are welcome, and must be received on or before March 14, 2022

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. Refer to Docket Number FINCEN-2022-0001 and the specific Office of Management and Budget (OMB) control number 1506-0055.

- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN-2022-0001 and OMB control number 1506-0055.

Please submit comments by one method only. Comments will generally become a matter of public record. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. A comment about the burden posed to a financial institution by a regulation requiring the reporting of certain transactions with designated foreign financial agencies, but that does not describe the regulation or the

reporting requirement in detail will not be considered to contain confidential information.

**FOR FURTHER INFORMATION CONTACT:** The FinCEN Regulatory Support Section at 1-800-767-2825 or electronically at [frc@fincen.gov](mailto:frc@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Public Law 107-56 (October 26, 2001), and other legislation, including most recently the Anti-Money Laundering Act of 2020 (AML Act).<sup>1</sup> The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1960, 31 U.S.C. 5311-5314 and 5316-5336, and includes notes thereto, with implementing regulations at 31 CFR Chapter X.

The BSA authorizes the Secretary of the Treasury, *inter alia*, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement AML programs and compliance procedures.<sup>2</sup> Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.<sup>3</sup>

The Secretary is authorized to require any "resident or citizen of the United States or a person in, and doing business in, the United States, to . . . keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency."<sup>4</sup> The term "foreign financial agency"<sup>5</sup> (FFA) means any person

<sup>1</sup> The AML Act was enacted as Division F, §§ 6001-6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, 134 Stat 3388 (2021).

<sup>2</sup> Section 358 of the USA PATRIOT Act added language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism. Section 6101 of the AML Act added language further expanding the scope of the BSA but did not amend these longstanding purposes.

<sup>3</sup> Treasury Order 180-01 (re-affirmed Jan. 14, 2020).

<sup>4</sup> 31 U.S.C. 5314(a).

<sup>5</sup> 31 U.S.C. 5312(b)(2).