

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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**BILLING CODE 4910-EX-P**

## 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](mailto:robert.brogan@fra.dot.gov), or to Ms. Steward at [debra.steward@fra.dot.gov](mailto: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 resources 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]  
**BILLING CODE 4910–06–P**

**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