

procedures which should provide priority for such inspection and testing.

FRA has reviewed the procedures used by major railroads to determine if they adequately address signal issues or conditions (*i.e.*, switch problems, track occupancy lights, track defects, *etc.*) that may interfere with the safe passage of a train or locomotive. In reviewing these procedures, FRA has determined that although each of the railroads have procedures in place, there are specific actions that can be taken to improve these procedures. Therefore, FRA is recommending that when responding to a trouble call, a railroad signal maintainer, technician, or maintenance of way employee should receive priority in occupying track so that inspections and operational tests can be conducted to ensure that no unsafe conditions exist. For example, consider the events of the aforementioned derailment. Although the conductor reported the gapped points to the dispatcher, as required by railroad instructions, the signal maintainer was not given priority for track occupancy so that sufficient inspection and operational tests could be conducted on the switch to determine the cause. Had the maintainer tested the switch prior to the train's arrival, the derailment may have been prevented.

It is important to note that 49 CFR 213.135(b) of the Track Safety Standards states in part "Each switch point shall fit its stock rail properly, with the switch stand in either of its closed positions to allow wheels to pass the switch point. Lateral and vertical movement of a stock rail in the switch plates or of a switch plate on a tie shall not adversely affect the fit of the switch point to the stock rail." Railroads are encouraged to have both signal and track employees trained to comprehensively understand the interface between the point and stock rails (tip to heel) and associated hardware.

### Recommendations

Based on the above, FRA strongly recommends that:

1. Any railroad employee encountering a condition that could interfere with the safe passage of a train should promptly report the condition or defect to the train dispatcher. Train dispatchers, upon receiving reports of potentially hazardous conditions involving a signal system or component, including any track segment or switch should immediately issue instructions to stop train movements or immediately implement an appropriate speed restriction, not to exceed 20 mph, for the affected area. These restrictions

should remain in effect until the component or trackage in the affected area is properly inspected and/or tested by a qualified employee to determine the cause and make any necessary repairs, replacements or adjustments.

2. Each railroad should ensure that it has procedures for responding to trouble calls that include providing priority in occupying track to a signal maintainer, technician or maintenance of way employee investigating a report of a signal system or component failure so that proper and sufficient inspections and tests may be conducted to determine the cause of the failure.

3. Each railroad should ensure that it has inspection and test procedures that will assure sufficient and proper inspection and testing to determine the cause of signal system or component failures. For example, in the event of a found or reported switch problem, switch inspection and tests sufficient to determine the cause of the problem and detect any unsafe condition should be conducted. In this case, a minimum inspection and test would include the elements of inspecting not only the switch point rails (point to heel), but also all of the switch rods, operation of the switch through its full range of motion and testing the switch circuit controller or point detector for proper adjustment.

4. Each railroad should ensure that when a signal problem is suspected, detected, or reported, applicable signal personnel should be notified of the occurrence and provided with any applicable information about the circumstances. This will aid the signal department in attempting to determine the cause of recurring signal trouble.

Issued in Washington, DC, on August 3, 2004.

**Grady C. Cothen, Jr.,**

*Acting Associate Administrator for Safety.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Number NHTSA-2004-18749]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the

public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before October 12, 2004.

**ADDRESSES:** Comments must refer to the docket number cited at the beginning of this notice and be submitted to Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Control Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Debbie Parker, NHTSA, NVS-220, Washington, DC 20590, phone 202-366-1768.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

- (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- (ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- (iii) how to enhance the quality, utility, and clarity of the information to be collected; and

- (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of

information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

*Title:* 49 CFR 556, Petitions for Inconsequentiality.

*OMB Control Number:* 2127-0045.

*Affected Public:* Business or other for profit.

*Abstract:* The National Highway Traffic Safety Administration's statute at 49 U.S.C. 30118 generally requires manufacturers of motor vehicles and items of replacement equipment to conduct a notification and remedy campaign (recall) when their products are determined to contain a safety-related defect or a noncompliance with a Federal motor vehicle safety standard (FMVSS). Pursuant to 49 U.S.C. 30118(d) and 30120(h), a manufacturer may seek an exemption from these notification and remedy requirements on the basis that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. 49 CFR part 566, Exemption for Inconsequential Defect or Noncompliance, establishes the procedures for manufacturers to submit exemption petitions to the agency and the procedures the agency will use in evaluating those petitions. Part 566 allows the agency to ensure that inconsequentiality petitions are

both properly substantiated and efficiently processed.

*Estimated Annual Burden:* 200 hours (based on an average of 5 hours preparation time per petition for 40).

*Number of Respondents:* 40.

Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: August 4, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-18208 Filed 8-9-04; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF THE TREASURY**

**Senior Executive Service;  
Departmental Offices; FY 2004  
Performance/Bonus Review Board**

August 1, 2004.

**AGENCY:** Treasury Department.

**ACTION:** Notice of members of the Departmental Offices Performance/Bonus Review Board.

**SUMMARY:** Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Departmental Offices Performance/Bonus Review Board. The purpose of this Board is to review and make recommendations concerning proposed Performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions.

*Composition of Deputyartmental Board:* The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The names and titles of the Boards members are attached.

**DATES:** Membership is effective on the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Cathy Hickson-Smith, Department of the Treasury, Office of Human Resources, HR Management Specialist, 15th and Pennsylvania Ave., NW., Washington, DC 20220, Telephone: 202-622-1690.

This notice does not meet the Department's criteria for significant Regulations.

Dated: August 1, 2004.

**Barbara McWhirter,**

*Director, Office of Human Resources.*

**FY 2004 PERFORMANCE/BONUS REVIEW BOARD**

[For listing in FEDERAL REGISTER]

Name	Official title
Angus, Barbara M	Internal Tax Counsel
Bitsberger, Timothy S	DAS (Federal Finance)
Carfine, Kenneth Edward	DAS for Fiscal Operations and Policy
Carleton, Norman K	Policy Director, Office of Financial M
Carroll, Robert J	DAS (Tax Analysis)
Contreras, Rebecca A	Deputy Asst Sec & Chief Human Capital
Dawson, Michael A	Dep Asst Sec for Critical Infrastructu
Delgado Jenkins, Jesus H	DAS (Management and Budget)
Dobins, Paul S	Director for Economic Modeling & Compu
Dohner, Robert S	Senior Advisor to DAS (Int'l Monetary)
Emling, John G	Deputy Asst Sec for Legislative Affair
Fall III, James H	DAS (Technical Assistance Policy)
Farrell, Paula F	Dir., Office of Government Financing
Fratto, Salvatore Antonio	Dep Asst Sec (Public Affairs)
Fuller, Reese H	ACD Program Director
Garcia, Arthur A	Director, CDFI Fund
Geduldig, Courtney Clelan	DAS for Legis Affrs (Banking & Fnan)
Gerardi, Geraldine A	Dir for Business Taxation
Hammond, Donald V	Fiscal Assistant Secretary
Hudson, Barry K	Deputy Chief Financial Officer
Jaskowiak, Mark M	Director, Office of Specialized Develo
Jenner, Gregory F	Deputy Asst Sec (Tax Policy)
Jones, Owen M	Dep Dir for Mgmt & Chief Fin Ofc
Kiefer, Donald W	Director, Office of Tax Analysis
Kodat, Roger E	DAS (Government Financial Policy)
Kupfer, Jeffrey F	Deputy Chief of Staff
Lee, Nancy	Das (Eurasia & Middle East)
Lingebach, James R	Dir., Accting & Internal Control
Lingrell, David A	DIR., Treas Bldg & Annex Reno & Reblgd Prog