

replacement plug had been installed because BNSF discovered internal defects near MP 419.92 during a routine scan of the existing rail on February 13, 2001. A short section of the continuous welded rail that contained the defects was removed, and a replacement rail was inserted. The plug did not receive an ultrasonic inspection immediately before or after installation. It would have been visually inspected for obvious surface damage, defects, and excessive wear before installation.

Following the derailment, the National Transportation Board (NTSB) and FRA conducted an investigation. The NTSB issued a report, NTSB RAB-02-1 (adopted

March 5, 2002), which provides the underlying basis for FRA's recommendations in this safety advisory. The NTSB could not reliably determine the source of the plug and considered two different accounts. Based on either account, however, the replacement rail would have been removed from another track location for reuse. Analysis conducted by the NTSB indicated that the plug rail had multiple internal defects. Specifically, the NTSB laboratory found that the rail failed due to fatigue initiating from cracks associated with the precipitation of internal hydrogen. Cracks associated with the precipitation of internal hydrogen occur in steels due to excessive hydrogen content during processing. As a result of its investigation of this accident, the NTSB made the following recommendation to FRA: Require railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects. (R-02-5).

#### *Existing Regulatory Requirements*

FRA's regulations set forth the requirements for the inspection of rail. They are found in 49 CFR § 213.237 and include procedures for the inspection of internal rail defects.

#### *Rail Inspection Procedures on the BNSF Creston Subdivision*

On the Creston Subdivision, BNSF's procedure for the inspection of internal rail flaws not only met, but also exceeded, the standard specified in § 213.237. Paragraph (a) of § 213.237 requires a continuous search for internal defects to be made of all rail in Class 4 track at least once every 40 million gross tons (mgt) or once a year, whichever interval is shorter. However, BNSF scanned the rail for internal defects once every 30 days. Most railroads rely on the fact that all existing rail is

ultrasonically scanned while in place in the track, in accordance with the requirements of § 213.237. Therefore, if a piece of rail has been removed from a track location and stored for future use as a replacement rail, a railroad may assume that the replacement rail was scanned while in its previous location and that it passed its inspection. This was the process used for the plug rail that failed in the Nodaway accident. Despite the assumption that the rail had been scanned and passed its inspection, this rail was, in fact, defective. FRA notes that rail in main track that is subject to testing under § 213.237, and is removed from track for future use can be relatively free of internal defects if the last test occurred shortly before the rail's removal. However, FRA notes that rail that is removed from track at the end of a testing cycle, or rail that is taken from track that is not subject to the requirements of § 213.237, is more likely to have defects.

#### **Recommendations**

The Federal Track Safety Standards prescribe minimum standards. Railroads are not precluded from prescribing additional or more stringent standards that are consistent with sound maintenance practices. In response to the accident in Nodaway, Iowa and the resulting NTSB recommendations, FRA makes the recommendations identified below.

(1) FRA recommends that railroads retest for internal rail flaws the entire length of any rail that is removed from track and stored for reuse. The railroad should conduct this retest before that rail carries revenue traffic. This recommendation applies to rail being installed into track that is subject to the rail testing requirements specified in § 213.237. After completing the retest and finding no internal rail flaws, the railroad should physically mark the rail with the words "fully re-tested" or with other appropriate language. Such rail would then be suitable for reuse in track subject to testing under § 213.237.

(2) FRA recognizes that some railroads do not have the equipment to test second-hand rail in accordance with the above recommendation. In such cases, FRA encourages railroads to develop a classification program. The classification program is intended to decrease the likelihood that a railroad will install second-hand rail with defects back into active track. FRA recommends that, at a minimum, the classification program for railroads that do not have out-of-track testing capabilities include the following rail identification procedures:

(a) Classify rail as either reusable or not reusable. Distinctly mark as reusable rail that is: taken from track subject to the testing requirements of § 213.237, intended for use in track subject to the testing requirements of § 213.237, and has accumulated less than 15 million gross tons (mgt) since the last valid rail test;

(b) Prohibit the reuse of the following second-hand rails in track that is subject to the testing requirements of § 213.237: (i) rail removed from track that is not subject to the testing requirements of § 213.237 and (ii) rail that does not have a classification marking pursuant to either recommendations (1) or (2)(a) of this safety advisory; and

(c) Develop and use a highly visible permanent marking system to mark defective rails that railroads remove from track after identifying internal defects in those rails. The highly visible permanent marking system should include visible, etched markings (e.g., score lines from an abrasive rail saw or a cutting torch) on the rail head at the specific area(s) on the rail where the defects are detected. This marking is in addition to the highly visible marking of defective rails required by § 213.237(c).

Issued in Washington, DC, on March 2, 2006.

**Grady C. Cothen, Jr.**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (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. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on December 5, 2005 [70 FR 27250]. This is a request for an extension of an existing collection.

**DATES:** Comments must be submitted on or before April 7, 2006.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Mary Versailles, NHTSA, 400 Seventh Street, S.W., Room 5320, NVS-131, Washington, DC 20590. Ms. Versailles' telephone number is (202) 366-2057.

**SUPPLEMENTARY INFORMATION:**

**National Highway Traffic Safety Administration**

*Title:* 49 CFR 575—Consumer Information Regulations (sections 103 and 105).

*OMB Control Number:* 2127-0049.

*Form Number:* None.

*Affected Public:* Vehicle manufacturers.

*Requested Expiration Date of Approval:* Three years from approval date.

*Abstract:* NHTSA must ensure that motor vehicle manufacturers comply with 49 CFR Part 575, Consumer Information Regulation § 575.103 Truck-camper loading and § 575.105 Utility Vehicles. Section 575.103, requires that manufacturers of light trucks that are capable of accommodating slide-in campers provide information on the cargo weight rating and the longitudinal limits within which the center of gravity for the cargo weight rating should be located. Section 575.105 requires that manufacturers of utility vehicles affix a sticker in a prominent location alerting drivers that the particular handling and maneuvering characteristics of utility vehicles require special driving practices when these vehicles are operated.

*Estimated Annual Burden:* 300 hours.

*Number of Respondents:* 15.

Based on prior years' manufacturer submissions, the agency estimates that 15 responses will be submitted annually. Currently 12 light truck manufacturers comply with 49 CFR part 575. These manufacturers file one response annually and submit an additional response when they introduce a new model. Changes are rarely filed with the agency, but we estimate that three manufacturers will alter their information because of model changes. The light truck manufacturers gather only pre-existing data for the purposes of this regulation. Based on previous years' manufacturer information, the agency estimates that light truck manufacturers use a total of 20 hours to gather and arrange the data

in its proper format (9 hours), to distribute the information to its dealerships and attach labels to light trucks that are capable of accommodating slide-in campers (4 hours), and to print the labels and utility vehicle information in the owner's manual or a separate document included with the owner's manual (7 hours). The estimated annual burden hour is 300 hours. This number reflects the total responses (15) times the total hours (20). Prior years' manufacturer information indicates that it takes an average of \$35.00 per hour for professional and clerical staff to gather data, distribute and print material. Therefore, the agency estimates that the cost associated with the burden hours is \$10,500 (\$35.00 per hour × 300 burden hours).

*Estimated Annual Cost:* \$2,883,685.

The annual cost is based on light truck production. In model year 2005, light truck manufacturers produced about 8,239,100 units. By assuming that all light truck manufacturers (both large and small volume manufacturers) incur the same cost, the total annual cost to comply with statutory requirements, § 575.103 and § 575.105 = \$2,883,685 (or \$0.35 each unit).

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.
- Whether the Department's estimate for the burden of the proposed information collection is accurate.
- 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.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued on: March 1, 2006.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. E6-3220 Filed 3-7-06; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**[Docket No. NHTSA-2006-24071]**

**Notice of Receipt of Petition for Decision That Nonconforming 1995 Pontiac Firebird Trans Am Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1995 Pontiac Firebird Trans Am passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1995 Pontiac Firebird Trans Am passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is April 7, 2006.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As