

achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologist's medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that exempting these applicants from the diabetes standard in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption. The agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e) to Daryle W. Belcher, William H. Gardner, Roy G. Hill, Anthony D. Izzi, Ronald D. Paul, and Kenneth L. Pogue.

#### Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document.

#### Discussion of Comments

FMCSA received one comment in this proceeding. The comment is considered and is discussed below.

Charles A. Johnson commented that he is an insulin dependent diabetic who wanted to obtain a Commercial Driver's License (CDL) and found out the FMCSRs include a blanket prohibition against him doing so. He is shocked that the regulation exists when the advancements in diabetes management are rapid and constant. He is of the opinion that quarterly visits to a diabetes specialist in which the review of Glycosylated hemoglobin (A1c) tests and blood glucose levels are evaluated is sufficient and that copies of A1c information should be required to be forwarded to the state of licensure.

FMCSA is responsible for the establishment and enforcement of physical qualifications standards applicable to drivers who operate CMVs in interstate commerce. The Agency is also responsible for CDL testing and licensing procedures used by the states in issuing CDLs. Drivers who operate CMVs in interstate commerce must meet the Federal physical qualifications standards to obtain a CDL. Drivers who operate exclusively in intrastate commerce are required to comply with the applicable State rules concerning physical qualifications to obtain a CDL.

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to allow drivers who are not qualified under section

391.41(b)(3) to apply for an exemption from the Federal standard. The Agency must ensure that each exemption would achieve a level of safety equivalent to, or greater than, the level achieved without the exemption. This means that drivers who intend to apply for an exemption should have sufficient medical data, to include a review of blood glucose measurements and hemoglobin A1c information by the treating endocrinologist, and any other relevant information necessary to support a determination by the Agency that granting them exemptions from 391.41(b)(3) would achieve the required level of safety.

#### Conclusion

After considering the comments to the docket and based upon its evaluation of the 6 exemption applications, FMCSA exempts Daryle W. Belcher, William H. Gardner, Roy G. Hill, Anthony D. Izzi, Ronald D. Paul, and Kenneth L. Pogue from the ITDM standard in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: March 29, 2006.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

[FR Doc. E6-5056 Filed 4-6-06; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Availability of the Updated "Your Rights and Responsibilities When You Move" Pamphlet

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice.

**SUMMARY:** FMCSA announces the availability of the 2006 version of the "Your Rights and Responsibilities When

You Move" pamphlet (Publication No. FMCSA-ESA-03-006, Revised/Updated April 2006). Only those changes mandated by Subtitle B, sections 4201-4216, of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109-59, August 10, 2005, 119 Stat. 1751] have been incorporated into this pamphlet. The Agency finds that seeking public comment before publishing changes to this pamphlet is unnecessary and contrary to the public interest. First, FMCSA is only modifying this pamphlet to incorporate requirements of SAFETEA-LU which took effect on August 10, 2005. Second, moving companies are required to provide copies of the pamphlet to household goods shippers. Thus, the pamphlet needs to accurately reflect these statutory changes without further delay.

**ADDRESSES:** FMCSA's "Your Rights and Responsibilities When You Move" pamphlet will be available—after April 7, 2006—on its Web site at <http://www.protectyourmove.gov/consumer/awareness/rights/Rights1.htm>. Follow the instructions for downloading this pamphlet.

#### FOR FURTHER INFORMATION CONTACT:

Federal Motor Carrier Safety Administration, Office of Compliance and Enforcement, Commercial Enforcement Division (MC-ECC), (202) 385-2400, 400 Virginia Avenue, SW., Suite 600, Washington, DC 20024. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday except Federal holidays.

Issued on: March 31, 2006.

**Annette M. Sandberg,**  
*Administrator.*

[FR Doc. E6-5048 Filed 4-6-06; 8:45 am]

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 June 6, 2006.

**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 Mr. Victor Angelo, Office of Support Systems, 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 Mr. Angelo at [victor.angelo@fra.dot.gov](mailto:victor.angelo@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 Victor Angelo, Office of Support Systems, RAD-20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:**

The Paperwork Reduction Act of 1995 (PRA), Pub. L. 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 eight currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*OMB Control Number:* 2130-0006.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses.

*Form Number(s):* N/A.

*Abstract:* The regulations pertaining to railroad signal systems are contained in 49 CFR parts 233 (Signal System Reporting Requirements), 235 (Instructions Governing Applications For Approval of A Discontinuance or Material Modification of a Signal System), and 236 (Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Systems, Devices, and Appliances). Section 233.5 provides that each railroad must report to FRA within 24 hours after learning of an accident or incident arising from the failure of a signal appliance, device, method, or system to function or indicate as required by part 236 of this Title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Section 233.7 sets forth the specific requirements for reporting signal failures within 15 days in accordance

with the instructions printed on Form FRA F 6180.14. Finally, Section 233.9 sets forth the specific requirements for the "Signal System Five Year Report." It requires that every five years each railroad must file a signal system status report. The report is to be prepared on a form issued by FRA in accordance with the instructions and definitions provided. Title 49, Part 235 of the Code of Federal Regulations, sets forth the specific conditions under which FRA approval of modification or discontinuance of railroad signal systems is required and prescribes the methods available to seek such approval. The application process prescribed under Part 235 provides a vehicle enabling FRA to obtain the necessary information to make logical and informed decisions concerning carrier requests to modify or discontinue signaling systems. Section 235.5 requires railroads to apply for FRA approval to discontinue or materially modify railroad signaling systems. Section 235.7 defines material modifications and identifies those changes that do not require agency approval. Section 235.8 provides that any railroad may petition FRA to seek relief from the requirements under 49 CFR part 236. Sections 235.10, 235.12, and 235.13 describe where the petition must be submitted, what information must be included, the organizational format, and the official authorized to sign the application. Section 235.20 sets forth the process for protesting the granting of a carrier application for signal changes or relief from the rules, standards, and instructions. This section provides the information that must be included in the protest, the address for filing the protest, the item limit for filing the protest, and the requirement that a person requesting a public hearing explain the need for such a forum. Section 236.110 requires that the test results of certain signaling apparatus be recorded and specifically identify the tests required under sections 236.102-109; sections 236.377-236.387; sections 236.576; 236.577; and section 236.586-589. Section 236.110 further provides that the test results must be recorded on pre-printed or computerized forms provided by the carrier and that the forms show the name of the railroad, place and date of the test conducted, equipment tested, test results, repairs, and the condition of the apparatus. This section also requires that the employee conducting the test must sign the form and that the record be retained at the office of the supervisory official having the proper authority. Results of tests made in

compliance with sections 236.587 must be retained for 92 days, and results of all other tests must be retained until the next record is filed, but in no case less than one year. Additionally, section 236.587 requires each railroad to make a departure test of cab signal, train stop, or train control devices on locomotives before that locomotive enters the equipped territory. This section further requires that whoever performs the test must certify in writing that the test was properly performed. The certification

and test results must be posted in the locomotive cab with a copy of the certification and test results retained at the office of the supervisory official having the proper authority. However, if it is impractical to leave a copy of the certification and test results at the location of the test, the test results must be transmitted to either the dispatcher or one other designated official who must keep a written record of the test results and the name of the person performing the test. All records

prepared under this section are required to be retained for 92 days. Finally, section 236.590 requires the carrier to clean and inspect the pneumatic apparatus of automatic train stop, train control, or cab signal devices on locomotives every 736 days, and to stencil, tag, or otherwise mark the pneumatic apparatus indicating the last cleaning date.

*Reporting Burden:*

CFR section	Respondent universe	Total annual response	Average time per response	Total annual burden hours	Total annual burden cost
233.5—Reporting of accidents .....	685 railroads .....	10 phone calls .....	30 minutes .....	5 hours .....	\$170
233.7—False proceed signal failures report .....	685 railroads .....	100 reports .....	15 minutes .....	25 hours .....	850
235.5—Block signal applications .....	80 railroads .....	111 applications .....	10 hours .....	1,110 hours .....	37,740
235.8—Applications for relief .....	80 railroads .....	24 relief requests .....	2.5 hours .....	60 hours .....	2,040
235.20—Protect letters .....	80 railroads .....	84 protest letters .....	30 minutes .....	42 hours .....	1,426
236.110—Recordkeeping .....	80 railroads .....	936,550 forms .....	27 minutes .....	427,881 hours .....	14,547,954
236.587—Departure tests .....	18 railroads .....	730,000 tests .....	4 minutes .....	48,667 hours .....	1,654,678
236.590—Pneumatic values .....	18 railroads .....	6,697 stenciling .....	22.5 minutes .....	2,511 hours .....	85,374

*Total Estimated Responses:* 1,673,576.  
*Total Estimated Annual Burden:* 480,301 hours.

*Status:* Regular Review.

*Title:* Remotely Controlled Switch Operations.

*OMB Control Number:* 2130-0516.

*Abstract:* Title 49, Section 218.30 of the Code of Federal Regulations (CFR), ensures that remotely controlled switches are lined to protect workers who are vulnerable to being struck by

moving cars as they inspect or service equipment on a particular track or, alternatively, occupy camp cars. FRA believes that production of notification requests promotes safety by minimizing mental lapses of workers who are simultaneously handling several tasks. Sections 218.30 and 218.67 require the operator of remotely controlled switches to maintain a record of each notification requesting blue signal protection for 15 days. Operators of remotely controlled

switches use the information as a record documenting blue signal protection of workers or camp cars. This record also serves as a valuable resource for railroad supervisors and FRA inspectors monitoring regulatory compliance.

*Form Number(s):* N/A.

*Affected Public:* Businesses.

*Respondent Universe:* 685 railroads.

*Frequency of Submission:* On occasion.

CFR section	Respondent universe	Total annual response	Average time per response	Total annual burden hours	Total annual burden cost
218.30—Blue signal protection of workmen .....	70 railroads .....	3,600,000 notifications .....	2 minutes .....	120,000 hours .....	\$3,720,000
218.77—Protection of occupied camp cars .....	7 railroads .....	4,000 notifications .....	4 minutes .....	267 hours .....	8,2770

*Total Estimated Responses:* 3,604,000.  
*Total Estimated Annual Burden:* 120,267 hours.

*Status:* Regular Review.

*Title:* Disqualification Proceedings.

*OMB Control Number:* 2130-0529.

*Abstract:* Under 49 U.S.C. 20111(c), FRA is authorized to issue orders disqualifying railroad employees, including supervisors, managers, and other agents, from performing safety-sensitive service in the rail industry for violations of safety rules, regulations, standards, orders, or laws evidencing unfitness. FRA's regulations, 49 CFR part 209, subpart D, implement the statutory provision by requiring (i) a railroad employing or formerly

employing a disqualified individual to disclose the terms and conditions of a disqualification order to the individual's new or prospective employing railroad; (ii) a railroad considering employing an individual in a safety-sensitive position to ask the individual's previous employing railroad whether the individual is currently serving under a disqualification order; and (iii) a disqualified individual to inform his new or prospective employer of the disqualification order and provide a copy of the same. Additionally, the regulations prohibit a railroad from employing a person serving under a disqualification order to work in a

safety-sensitive position. This information serves to inform a railroad whether an employee or prospective employee is currently disqualified from performing safety-sensitive service based on the issuance of a disqualification order by FRA. Furthermore, it prevents an individual currently serving under a disqualification order from retaining and obtaining employment in a safety-sensitive position in the rail industry.

*Form Number(s):* N/A.

*Affected Public:* Businesses.

*Respondent Universe:* 685 railroads.

*Frequency of Submission:* On occasion.

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
Respondent reply to disqualification order .....	40,000 Locomotive Engineers.	1 documented reply	3 hours .....	3 hours .....	\$135
Informal reply to proposed disqualification order	40,000 Locomotive Engineers.	1 informal response	1 hour .....	1 hour .....	45
Provide copy of disqualification order to prospective employer.	685 Railroads .....	1 notification .....	30 minutes .....	1 hour .....	45
Request copy of disqualification order from previous employer.	685 Railroads .....	Usual and customary procedure.	N/A .....	N/A .....	N/A

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 April 3, 2006.

**Belinda Ashton,**

*Acting Director, Office of Budget, Federal Railroad Administration.*

[FR Doc. 06–3361 Filed 4–6–06; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Canadian National Railway Company

[Waiver Petition Docket Number FRA–2006–24224]

The Canadian National Railway Company (CN) on behalf of its wholly owned subsidiaries, Illinois Central Railroad Company, Wisconsin Central, Ltd, Grand Trunk and Western Railroad Company, Chicago Central & Pacific Railroad Company, Duluth, Winnipeg & Pacific Railroad Company, Bessemer & Lake Erie Railroad Company, and the Duluth Missabe & Iron Range Railroad Company (hereinafter "CN") seeks a waiver of compliance with the Locomotive Safety Standards, 49 CFR, 229.27(a)(2), and 229.29 (a), as they pertain to the requirement to clean, repair, and test airbrake equipment associated with "Canac" remote control

equipment installed on the locomotive. CN requests to change the time interval requirements for the additional Canac equipment from biennial (736 days) to every 4 years (1472 days).

The request, if granted, would allow the additional Canac equipment to receive attention at the same time as the 26 L type brake equipment previously wavered under the petition identified as docket number FRA–2005–21325. According to the petitioner, the four-year maintenance period for the remote control brake equipment is the manufacturer's recommendation, and the four-year interval has been adopted by Transport Canada, as required maintenance interval for 26 L type Canac remote control locomotives operating in Canada.

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, 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 (FRA–2006–24224) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on March 31, 2006.

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

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

[FR Doc. E6–5055 Filed 4–6–06; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### East Broad Top Railroad & Coal Company

[Waiver Petition Docket Number FRA–2006–24069]

The East Broad Top Railroad & Coal Company (EBT), located in Rockhill Furnace, PA, seeks a waiver of compliance from the Steam Locomotive Inspection and Maintenance Standards [49 CFR Part 230.17(a)] for steam locomotive number EBT 14, which requires "Before any steam locomotive is initially put in service or brought out of retirement, and after every 1472 service days or 15 years, whichever is earlier, an individual competent to conduct the inspection shall inspect the entire boiler. In the case of a new locomotive or a locomotive being