

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:* State Safety Participation Regulations and Remedial Actions.

*OMB Control Number:* 2130-0509.

*Abstract:* The collection of information is set forth under 49 CFR part 212, and requires qualified state inspectors to provide various reports to FRA for monitoring and enforcement purposes concerning state investigative, inspection, and surveillance activities regarding railroad compliance with Federal railroad safety laws and regulations. Additionally, railroads are required to report to FRA actions taken

to remedy certain alleged violations of law.

*Form Number(s):* FRA F 6180.10; FRA F 6180.29/29A/33; FRA F 6180.61; FRA F 6180.67; FRA F 6180.68/68A/69/96/96A/96B.

*Affected Public:* Businesses.

*Respondent Universe:* States and railroads.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
Application For Participation.	15 States .....	15 updates .....	2.5 hours .....	38	\$1,748
Training Funding Agreement.	30 States .....	30 agreements .....	1 hour .....	30	1,380
Inspector Training Reimbursement.	30 States .....	300 vouchers .....	1 hour .....	300	12,600
Supervisor Travel Reimbursement.	30 States .....	30 vouchers .....	1 hour .....	30	1,380
Annual Work Plan .....	30 States .....	30 reports .....	15 hours .....	450	20,700
Inspection Form .....	30 States .....	18,000 reports .....	15 minutes .....	4,500	189,000
Violation Form .....	30 States .....	629 reports .....	4 hours .....	2,516	105,672
Remedial Actions Reports	573 Railroads .....	5,048 reports .....	15 minutes .....	1,262	80,768
Violation Report Challenge.	573 Railroads .....	1,010 challenges .....	1 hour .....	1,010	64,640
Delayed Reports .....	573 Railroads .....	505 reports .....	30 minutes .....	253	16,192

*Total Responses:* 25,597.

*Estimated Total Annual Burden:* 10,389 hours.

*Status:* Regular review.

*Title:* Certification of Glazing Materials.

*OMB Control Number:* 2130-0525.

*Abstract:* The collection of information is set forth under 49 CFR Part 223, which requires the certification and permanent marking of glazing materials by the manufacturer. The manufacturer is also responsible for making available test verification data to railroads and FRA upon request.

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

*Affected Public:* Businesses.

*Respondent Universe:* 5 manufacturers.

*Total Responses:* 25,211.

*Estimated Total Annual Burden:* 119 hours.

*Status:* Regular review.

*Title:* Two-Way End-of-Train Devices.

*OMB Control Number:* 2130-0540.

*Abstract:* Section 20141 of the United States Code amended the Federal Rail Safety Laws by adding certain statutory mandates related to power brake safety, specifically regarding two-way end-of-train telemetry devices (two-way EOTs). This Section required two-way end-of-train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of emergency braking from the rear of the train. The information collected

enhances rail safety by ensuring that the locomotive engineer is notified if someone other than a train crew member tests the two-way end-of-train devices at the initial terminal or other point of installation to confirm that the device is capable of initiating an emergency power brake application from the rear of the train. The information collected is also used to by FRA to verify that the end-of-train telemetry equipment is properly calibrated for accuracy according to the manufacturer's specifications at least every 365 days. Additionally, the information collected verifies that the two-way end-of-train devices standards—such as the front unit having a manually operated switch that is labeled "Emergency" which can initiate an emergency brake transmission to the rear unit (when activated)—are met.

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

*Affected Public:* Businesses.

*Respondent Universe:* Railroads.

*Total Responses:* 521,500.

*Estimated Total Annual Burden:* 5,042 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 May 14, 2003.

**Kathy A. Weiner,**

*Office of Information Technology and Support Systems, Federal Railroad Administration.*

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## 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.

#### Oregon Department of Transportation

(*Waiver Petition Docket Number FRA-2003-15168*)

The State of Oregon, Department of Transportation (ODOT) owns three self-propelled passenger coaches (Railway Diesel Cars—RDC) which were built by the Budd Company in 1956. These cars are not used in regular commuter service, but only on a limited seasonal

basis in conjunction with the Lewis and Clark Expedition bicentennial. The cars operate one round trip per day, four days per week (Thursday to Sunday), on trackage owned by the Portland and Western Railroad. The excursion trains operate from a station in Portland, Oregon to Astoria, Oregon where passengers may board special shuttle busses to nearby Fort Clatsop National Historic Site where Lewis and Clark wintered over in 1805–06.

The route traversed by this train goes through three very different types of geography:

1. The first four miles of BNSF track and first two miles of the Portland & Western Railroad are mostly through an industrial area of northwest Portland. This route is also used by Portland to Seattle, Washington intercity trains. Vandalism to passenger trains has not been reported as being a problem;

2. The next 87 miles is mostly rural and a light density population area. This section has no known history of vandalism or incidents of property damage to railroad equipment;

3. The last six miles in Astoria is located on fills and trestles with no public access to trackside. The final segment is adjacent to the Astoria Waterfront Trolley which has not been subjected to incidents of vandalism.

ODOT requests temporary relief from the requirements of Title 49 Code of Federal Regulations (CFR) 223.15 *Requirements for existing passenger cars* due to the infrequent use of the cars, the planned usage for excursion service, and the cost schedule of installing compliant glazing prior to initiation of service. The cars are former VIA Rail Canada equipment and have a double-pane combination of ¼-inch thick safety glass inside and plate glass outside. This glazing system remains the standard in Canada for passenger equipment and these cars are fully compliant with Canadian glazing standards. Also, removable emergency exit windows have been installed in each car as required by 49 CFR 223.15(c). Therefore, the petitioner believes that the operation of these cars, as equipped, would not pose a safety hazard to passengers or employees.

ODOT intends to replace the side facing windows with compliant FRA Type II glazing and has requested

funding to do so from the Oregon State Legislature. ODOT believes that the glazing on all three cars can be brought into compliance with the requirements of 49 CFR 223.15 by May 2004.

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.

FRA's Office of Safety Assurance and Compliance issued a letter to ODOT on May 13, 2003 which stated that no exception will be taken to the continued use of these cars in excursion service until a Final Decision is rendered by FRA's Railroad Safety Board which shall take precedence. Due to exigent circumstances related to the start of planned service, FRA may act on this waiver request before the close of the comment period. However, FRA reserves the right to rescind or modify any approval or denial based upon receipt of comments which, in FRA's judgement, raise significant issues.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2003-15168) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA. 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 FRA's temporary docket room located at 1120 Vermont Avenue, NW., Room 7051, Washington, DC 20005.

Issued in Washington, DC on May 14, 2003.

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

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

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

May 12, 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 June 19, 2003 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-0169.

*Form Number:* IRS Forms 4461, 4461-A, and 4461-B.

*Type of Review:* Revision.

*Title:* Form 4461: Application for Approval of Master or Prototype Defined Contribution Plan;

Form 4461-A: Application for Approval of Master or Prototype Defined Benefit Plan; and

Form 4461-B: Application for Approval of Master or Prototype Plan, Mass Submitter Adopting Sponsor.

*Description:* The IRS uses these forms to determine from the information submitted whether the applicant plan qualifies under section 401(a) of the Internal Revenue Code for plan approval. The application is also used to determine if the related trust qualifies for tax exempt status under Code section 501(a).

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 1,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

	4461	4461-A	4461-B
Recordkeeping .....	43 hr., 17 min. ..	42 hr., 34 min. ..	5 hr., 58 min.
Learning about the law or the form .....	6 hr., 43 min. ....	6 hr., 1 min. ....	52 min.
Preparing the form .....	8 hr., 39 min. ....	7 hr., 55 min. ....	1 hr., 56 min.
Copying, assembling, and sending the to the IRS .....	16 min. ....	16 min. ....	16 min.