

the following URL: <http://ts.nist.gov/ts/htdocs/210/gsig/pubs/ir7012.pdf>.

Before accreditation bodies will be approved by the FHWA, these bodies will be evaluated against the NACLA recognition procedures, the Technical Requirements for Construction Materials Testing, and must be recognized by NACLA with the Technical Requirements for Construction Materials Testing listed in its scope. Additionally, to meet the quality assurance requirements in 23 CFR 637.209(a)(2), (3), and (4), the laboratories must have been successfully assessed using the technical requirements and the laboratories scope of accreditation and must indicate that the laboratory was assessed according to the requirements in NISTR 7012.

The NACLA is a membership organization that has been incorporated since May 1998 for the purposes of recognizing the competency of laboratory accreditation programs. The FHWA has been a member of the organization from its inception and involved in the development and implementation of the recognition procedures and development of the Technical Requirements for Construction Materials Testing.

**Authority:** 23 U.S.C. 109, 114, and 315; 23 CFR 637; 49 CFR 1.48(b)

Issued on: September 14, 2004.

**Mary E. Peters,**

*Federal Highway Administration.*

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## 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 approval of the following 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 November 22, 2004.

**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 2130-New. 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 or collection title 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. 104-13, sec. 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 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 is a brief summary of proposed new information collection activities that FRA will submit for clearance by OMB as required under the PRA:

**Title:** Post-Traumatic Stress in Train Crew Members After a Critical Incident.  
**OMB Control Number:** 2130-New.

**Abstract:** Nearly 1,000 fatalities occur every year in this country from trains striking motor vehicles at grade crossings and individual trespassers along the track. These events can be very traumatic to train crew members, who invariably are powerless to prevent such collisions. Exposure of train crews to such work-related traumas can cause extreme stress and result in safety-impairing behaviors, such as are seen in Post-Traumatic Stress Disorder or Acute Stress Disorder. Most railroads have Critical Incident Stress Debriefing (CISD) intervention programs designed to mitigate problems caused by exposure to these traumas. However, they are quite varied in their approach, and it is not certain which components of these programs are most effective. The purpose of this collection of information is to identify "best practices" for CISD programs in the railroad industry. By means of written and subsequent oral interviews with train crew members that will each take approximately 45 minutes, the proposed study aims to accomplish the following: (1) Benchmark rail industry best practices of CISD programs; (2) establish the extent of traumatic stress disorders

due to grade crossing and trespasser incidents in the rail industry (not by region or railroad) and identify at-risk populations; and (3) evaluate the effectiveness of individual components of CISC programs. It should be noted that only the components of CISC programs will be evaluated, not an individual railroad's overall intervention program.

*Affected Public:* Train crew members.

*Respondent Universe:* 2,000 train crew members.

*Frequency of Submission:* One-time.

*Estimated Annual Burden:* 3,000 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 September 15, 2004.

**Kathy A. Weiner,**

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Waiver Petition Docket Number FRA–2003–17989]

#### Canadian Pacific Railway; Supplementary Notice of Waiver Request; Notice of Public Hearing; and Extension of Comment Period

On July 19, 2004, FRA published a notice in the **Federal Register** announcing Canadian Pacific Railway Company's (CPR) request to be granted a waiver of compliance from certain provisions of the Railroad Operating Practices regulations, 49 CFR part 218, regarding blue signal protection of workers, on behalf of themselves and their U.S. subsidiaries the Delaware & Hudson and the Soo Line Railroads. See 68 FR 43047. Specifically, CPR seeks to permit train and yard crew members, and utility employees to remove and replace batteries in two-way end-of-train telemetry devices (EOT), while the EOT is in place on the rear of the train the individual has been called to operate, without establishing any blue signal protection.

Both §§ 218.25 and 218.27 require blue signal protection when workers are

on, under, or between rolling equipment on main track or other than main track. Section 221.16 of title 49, Code of Federal Regulations, permits inspection of an EOT which is on a train standing on a main track after establishing contact with the engineer in charge of the movement, but does not authorize removal or battery replacement. Section 218.22(c)(5) specifically identifies those functions that may be performed by a utility employee without providing the blue signal protection required by 49 CFR part 218. One of the enumerated functions is the inspection, testing, installation, removal or replacement of an EOT device.

FRA has determined that removing or replacing a battery in an EOT, while the device is in place on the rear of a train, requires blue signal protection for a utility employee since this task is a service and repair to the device and does not constitute the inspection, testing, installation, removal or replacement of the device. Therefore, the only way a utility employee can legally remove or replace the EOT battery, without establishing blue signal protection, is to remove the EOT from the rear of the train and perform the battery work outside the area normally protected by the blue signal.

CPR contends that safety would be enhanced if the individual was allowed to perform the battery work without removing the device from the rear of the train. Exposure to injury is greatly reduced because the individual is handling a small NiCad battery, as opposed to lifting the EOT device that weighs 32–34 pounds. It is CPR's position, supported by the BNSF waiver (FRA Docket No. 2001–10660), that changing EOT batteries *in situ* requires less time, places the employee in less immediate danger, and creates less physical strain than removing and replacing the entire EOT. CPR sought to make it clear that this waiver request is intended to cover only train and yard employees working on their own assigned equipment and properly assigned transportation utility employees. It is not intended to cover mechanical or other employees who clearly require blue flag protection to work in or under equipment.

The plain language of the definition of “worker,” contained in § 218.5, excludes members of train and yard crews from the blue signal protection provisions, contained in 49 CFR part 218, except when assigned to inspect, test, repair, or service railroad rolling equipment that is not part of the train or yard movement they have been called to operate. Thus, in light of the express exception to the definition of “worker”

contained in § 218.5, the blue signal protection provisions simply do not apply to situations involving the replacement of EOT batteries by train and engine employees on equipment they are called to operate. Accordingly, FRA concludes that CPR's request for a waiver to permit train and yard crew members to perform such duties on equipment they are called to operate should be dismissed as unnecessary. Any party seeking the legal basis for this conclusion should submit their request to FRA's Office of Chief Counsel, Federal Railroad Administration, RCC–10, Mail Stop 10, 1120 Vermont Avenue, NW., Washington, DC 20005. FRA will communicate separately with BNSF concerning Docket No. 2001–10660.

As a result of the comments received by FRA concerning this waiver petition, FRA has determined that a public hearing is necessary before a final decision is made on this petition. Accordingly, a public hearing is hereby set to begin at 9 a.m. on October 13, 2004, at the Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20005, in the 7th floor conference room. Interested parties are invited to present oral statements at this hearing.

The hearing will be informal and will be conducted in accordance with FRA's Rules of Practice (49 CFR part 211.25) by a representative designated by FRA. FRA's representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding this waiver petition, without cross-examination. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given an opportunity to do so in the same order in which initial statements were made.

FRA further extends the comment period in this proceeding through October 22, 2004, and reserves the right to announce a further extension of the comment period exclusively for the purpose of receiving post-hearing submissions should that appear appropriate in the judgment of the chair based on testimony received and questions posed by the FRA panel. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2003–17989) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level),