

Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Monique Riddick, Commercial Enforcement and Investigations Division, U. S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Telephone: 202-366-8045; email [monique.riddick@dot.gov](mailto:monique.riddick@dot.gov).

**SUPPLEMENTARY INFORMATION:** There were no comments received from the 60-day **Federal Register** notice (82 FR 14102) published on March 16, 2017.

*Background:* FMCSA amended then-existing regulations for brokers in response to Title IV, Subtitle B of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59) and a petition for rulemaking from the American Moving and Storage Association (AMSA). The final rule, titled "Brokers of Household Goods Transportation by Motor Vehicles," (75 FR 72987, Nov. 29, 2010), amended 49 CFR part 371, by providing additional consumer protection responsibilities for brokers of HHG. Specifically, section 4212 of SAFETEA-LU directs the Secretary to require HHG brokers to provide individual shippers with the following information whenever a broker has contact with a shipper or potential shipper:

1. The broker's USDOT number.
2. The FMCSA booklet titled "Your Rights and Responsibilities When You Move."
3. A list of all authorized motor carriers providing transportation of HHG used by the broker and a statement that the broker is not a motor carrier providing transportation of HHG.

The collection of information required in the referenced final rule assists shippers in their business dealings with interstate HHG brokers. The information collected is used by prospective shippers to make informed decisions about contracts, services ordered, executed, and settled. The HHG broker is often the primary contact for individual shippers and in the best position to educate shippers and prepare them for a successful move. The

information collected makes that possible. It also combats deceptive business practices as the information helps enforcement personnel better protect consumers by verifying that shippers are receiving information to which they are entitled by regulation.

HHG brokers are required to provide individual shippers the "Your Rights and Responsibilities When You Move" booklet and the "Ready to Move" brochure. They have the option of providing paper copies or presenting the information through a link on their Internet Web site. The broker is required to document with signed receipts that the individual shipper was provided those materials. HHG brokers are also required to provide the list of HHG motor carriers for which it would arrange transportation to move a potential individual shipper's HHG, and that broker's identification information:

1. Assigned USDOT number; and
2. Address.

With this renewal, FMCSA makes a change to the collection to an adjustment in estimate. A program estimate change of 19,522 annual burden hours is the result of the removal of a 1,000 burden-hours that are no longer applicable. There is also an updated estimate in the number of household goods brokers which also contributes to the change of 19,522 in the calculated burden hours.

*Title:* Practices of Household Goods Brokers.

*OMB Control Number:* 2126-0048.

*Type of Request:* Reinstatement of an information collection.

*Respondents:* Brokers of Household Goods.

*Estimated Number of Respondents:* 543 brokers.

*Estimated Time per Response:* 0.25 hours per day × 240 workdays for transactions per household goods broker; 20 hours per year per broker for Web site/ad modifications; 10 hours per year per household goods broker for creating a list of carriers; 0.5 hours per month × 12 months per household goods broker for confirming required information; 0.083 hour per year × 36.8 explanations on average per household goods broker; 4 hours per year × 5 agreements per household goods broker for annual agreements through turnover; and 10 hours per year per household goods broker for disclosure and records.

*Expiration Date:* July 31, 2017.

*Frequency of Response:* On occasion.

*Estimated Total Annual Burden:* 70,000 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is

necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: August 10, 2017.

**Kelly Regal,**

*Associate Administrator, Office of Research and Information Technology.*

[FR Doc. 2017-17307 Filed 8-15-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2017-0074; Notice No. 1]

#### Addressing Electrode-Induced Rail Pitting From Pressure Electric Welding

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of draft Safety Advisory; request for comment.

**SUMMARY:** This document provides notice of FRA's intent to issue a Safety Advisory alerting railroads, contractors, and the rail welding industry of the potential for electrode-induced rail pitting and fatigue cracking during the pressure electric rail welding process. Based on investigation and research, FRA believes improper electrode contact to the rail during the welding process can result in electrode-induced pitting that may lead to fatigue fracture and ultimately rail failure. The draft Safety Advisory includes recommendations to help the industry prevent electrode-induced rail pitting and to inspect for and then remediate such pitting if it occurs. FRA invites public comment on all aspects of the draft Safety Advisory.

**DATES:** Interested persons are invited to submit comments on the draft Safety Advisory provided below on or before October 16, 2017.

**ADDRESSES:** Comments in response to this notice may be submitted by any of the following methods:

- *Web site:* The Federal eRulemaking Portal, [www.Regulations.gov](http://www.Regulations.gov). Follow the Web site's online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation,

Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140 on the Ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name, docket name, and docket number for this notice, Docket No. FRA-2017-0074; Notice No. 1. Note that all comments received will be posted without change to <http://www.Regulations.gov>, including any personal information provided. Please see the Privacy Act Statement in this document.

**FOR FURTHER INFORMATION CONTACT:** Mr. Matthew Brewer, Staff Director, Rail Integrity Division, Office of Railroad Safety, FRA, 500 Broadway, Suite 240, Vancouver, WA 98660, telephone (202) 385-2209; or Mr. Aaron Moore, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 493-7009.

**SUPPLEMENTARY INFORMATION:**

**Draft Safety Advisory**

FRA routinely conducts investigations of railroad accidents to determine causation and any contributing factors to help the railroad industry implement corrective measures that may prevent similar incidents in the future. Over the past decade, FRA has investigated multiple broken rail accidents in which it found fractures in the rail web. Similarities in the fracture characteristics of the recovered rail fragments in some of these accidents have led FRA to conclude stray arcing may occur during the pressure electric welding process performed to create continuous welded rails.

Pressure electric welding is the process of using a hydraulically-operated welding head that clamps around two opposing rail ends, pressing an electrode on each rail, then hydraulically pulling the rail ends together while arcing current through the electrodes into the rails, causing them to essentially melt together to form a continuous rail. FRA believes stray arcing during this process results in the formation of electrode burns or pits on the web, head, or base of the rail. Fractures in the rail may originate from the electrode pits because they behave

as stress raisers (also referred to as stress concentrations). Fatigue cracks often develop at locations of stress concentration. Once a fatigue crack initiates, the localized stress encourages the growth of the crack, which may potentially lead to rail failure. FRA believes electrode pitting may be a contributing factor, if not the root cause, in some accidents involving rail web cracking.

Figure 1 below shows a photograph of a rail with electrode pits in the web. The location of these electrode pits, when they occur, is typically four to eight inches on either side of the weld. Electrode-induced pitting from pressure electric welding may also occur in the head and base of the rail. At this time, it is unclear whether traditional ultrasonic rail testing can consistently detect electrode-induced pitting.

In 2016, FRA's Office of Railroad Safety requested technical support from The National Transportation Systems Center (Volpe) to study the fatigue and fracture behavior of rails with pitting from electrodes used in welding. Volpe enlisted technical support from the U.S. Army's Benét Laboratories (Benét) to conduct forensic examination of three rail sections with electrode-induced pitting in the web from the pressure electric welding process. FRA obtained these rails from members of the railroad industry. Benét's examination included fractography (the science of studying fracture surfaces to identify the origin and causes of fracture), metallography (the science of studying the microstructure of metals to provide information concerning the properties and processing history of metallic alloys), and testing to determine the chemical composition and tensile mechanical properties of the rail steel. Benét confirmed FRA's hypothesis that electrode-induced web fatigue cracking is a result of pitting caused by inadequate electrode-to-rail contact.

Specifically, Benét's metallurgical analyses concluded the cracking in the rail web originated from the pitting created by inadequate electrode-to-rail contact during the pressure electric welding process. The fractographic and metallographic examinations revealed evidence of fatigue cracking originating from the pitting and fast fracture once the fatigue crack reached a critical length. Figure 2 below shows three photographs of the fracture surface of a crack found in one of the rails Benét examined. These photographs support

the metallurgical evidence indicative of three stages of fatigue fracture: (1) Crack initiation or formation originating from the pitting; (2) crack propagation or growth by metal fatigue; and (3) final rupture or fast fracture. Figure 3 below shows photographs of the microstructure near the electrode pits in each examined rail, providing further evidence the cracking originated from the pitting created by improper electrode contact during welding.

The results from the metallurgical analysis also suggested premature and sudden rail failure may result from high wheel-impact load (e.g., flat wheel), especially in cold-weather environments when the longitudinal rail force is tensile. Results from the chemical analysis and mechanical testing indicated the chemistry and mechanical properties of the rails selected for evaluation were within specifications the American Railway Engineering and Maintenance-of-Way Association (AREMA) published, except for the hardness measurements in one rail, which were slightly lower than the AREMA minimum. Hardness is a measure of the resistance of a material to surface indentation produced by a carbide indenter applied at a given load for a given length of time. The lower hardness in that rail, manufactured in the 1950s, may be attributed to lower concentrations (compared to the other two rails) of alloying elements, specifically carbon, silicon, and chromium, which were still within AREMA tolerances. Testing of the chemistry and the mechanical properties revealed all three rails were made from standard quality steel containing no other defects except the electrode-induced pitting.

FRA presented its concerns about electrode-induced rail pitting and fatigue cracking to the Railroad Safety Advisory Committee's Rail Integrity Working Group. FRA also advised the Working Group that FRA was considering issuing a safety advisory to ensure all parties are aware of the potential for electrode-induced pitting and fatigue cracking (as identified in the figures below) and the pressure electric welding process is performed properly. (FRA has posted a copy of this notice on its public Web site, [www.fra.dot.gov](http://www.fra.dot.gov), where you may view the figures below in their full resolution.)

**BILLING CODE 4910-06-P**

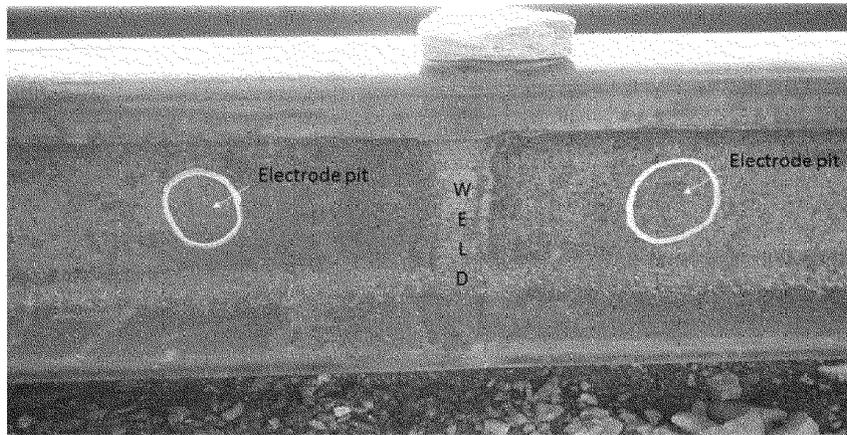


Figure 1: Electrode-Induced Pits in a Rail

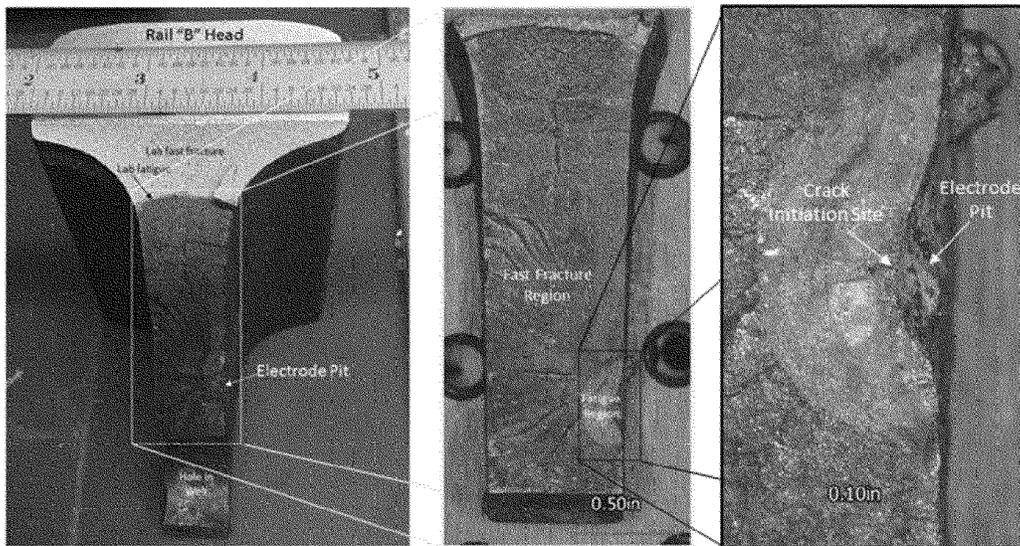


Figure 2: Photographs of Crack Fracture Surface in Examined Rail

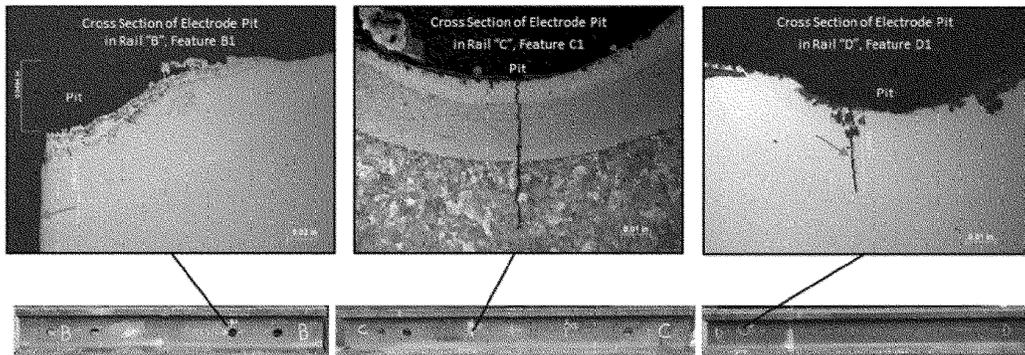


Figure 3: Photographs of Rail Cross Sections

**BILLING CODE 4910-06-C**

*Recommended Action:* Based on the discussion above, and to prevent future electrode-induced pitting and fatigue cracking which may lead to premature

rail failure, FRA recommends railroads, contractors, and the rail welding industry develop and apply appropriate methods to:

1. Prevent electrode-induced rail pitting from occurring by:
  - a. Reviewing proper pre- and post-weld procedures to avoid the development of electrode pitting;

b. Improving welder training programs to ensure consistency in welding procedures, especially for the pressure electric welding process; and

c. Developing and scheduling appropriate pressure electric welding maintenance and rail testing programs.

2. Identify electrode-induced rail pitting by:

a. Inspecting the rail upon completion of welding, and reviewing the documentation in the weld report to help identify if pitting occurred;

b. Visually inspecting existing welds for electrode-induced pitting during routine track inspections; and

c. Considering alternative methods of identifying electrode-induced pitting, such as ultrasonic testing, machine vision, etc.

3. Remediate any identified electrode-induced pitting by:

a. Removing the section of rail containing electrode-induced pitting and re-welding the rail; or

b. Developing and applying possible alternative methods to remove electrode-induced pitting, such as drilling, if electrode-induced pitting is found and the section of rail cannot be readily removed or re-welded.

FRA requests public comment on all aspects of this draft Safety Advisory.

*Privacy Act Statement:* Anyone can search the electronic form of all comments received into any of DOT's 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 (65 FR 19477), or you may visit <http://www.regulations.gov/#!privacyNotice>.

Issued in Washington, DC, on August 10, 2017.

**Patrick Warren,**  
Executive Director.

[FR Doc. 2017-17285 Filed 8-15-17; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2017-0035; Notice 1]

#### Ride the Ducks International, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of petition.

**SUMMARY:** Ride the Ducks International, LLC (RTDI), has determined that certain model year (MY) 1996-2014 Ride the Ducks International Stretch Amphibious passenger vehicles (APVs) do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 103, *Windshield Defrosting and Defogging Systems*. RTDI filed a noncompliance information report dated March 15, 2017. RTDI also petitioned NHTSA on April 12, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

**DATES:** The closing date for comments on the petition is September 15, 2017.

**ADDRESSES:** Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to [https://www.regulations.gov](https://www.regulations.gov/), including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the

closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477-78).

#### SUPPLEMENTARY INFORMATION:

*I. Overview:* Ride the Ducks International, LLC (RTDI), has determined that certain model year (MY) 1996-2014 Ride the Ducks International Stretch Amphibious passenger vehicles (APVs) do not fully comply with paragraph S4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 103, *Windshield Defrosting and Defogging Systems*. RTDI filed a noncompliance information report dated March 15, 2017, pursuant to 49 CFR 573, *Defect and Noncompliance Responsibility and Reports*. RTDI also petitioned NHTSA on April 12, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of RTDI's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

*II. Vehicles Involved:* Approximately 105 MY 1996-2014 Ride the Ducks International Stretch APVs, manufactured between January 1, 1996, and December 31, 2014, are potentially involved.

*III. Noncompliance:* RTDI explained that the noncompliance is that the subject vehicles were manufactured without a windshield defrosting and defogging system, as required by paragraph S4.1 of FMVSS No. 103.

*IV. Rule Text:* Paragraph S4.1 of FMVSS No. 103 states in pertinent part:

S4.1 Each vehicle shall have a windshield defrosting and defogging system