

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:* Confidential Close Call Reporting System Evaluation-Related Interview Data Collection.

*OMB Control Number:* 2130-New.

*Abstract:* In the U.S. railroad industry, injury rates have been declining over the last 25 years. Indeed, the industry incident rate fell from a high of 12.1 incidents per 100 workers per year in 1978 to 3.66 in 1996. As the number of incidents has decreased, the mix of causes has also changed toward a higher proportion of incidents that can be attributed to human and organizational factors. This combination of trends—decrease in overall rates but increasing proportion of human factors-related incidents—has left safety managers with a need to shift tactics in reducing injuries to even lower rates than they are now.

In recognition of the need for new approaches to improving safety, FRA has instituted the Confidential Close Call Reporting System (C<sup>3</sup>RS). The operating assumption behind C<sup>3</sup>RS is that by assuring confidentiality, employees will report events which, if dealt with, will decrease the likelihood of accidents. C<sup>3</sup>RS, therefore, has both a confidential reporting component, and a problem analysis/solution component. C<sup>3</sup>RS is expected to affect safety in two ways. First, it will lead to problem solving concerning specific safety conditions. Second, it will engender an organizational culture and climate that supports greater awareness of safety and a greater cooperative willingness to improve safety.

If C<sup>3</sup>RS works as intended, it could have an important impact on improving safety and safety culture in the railroad industry. While C<sup>3</sup>RS has been developed and implemented with the participation of FRA, railroad labor, and railroad management, there are legitimate questions about whether it is being implemented in the most beneficial way, and whether it will have its intended effect. Further, even if C<sup>3</sup>RS

is successful, it will be necessary to know if it is successful enough to implement on a wide scale. To address these important questions, FRA is implementing a formative evaluation to guide program development, a summative evaluation to assess impact, and a sustainability evaluation to determine how C<sup>3</sup>RS can continue after the test period is over. The evaluation is needed to provide FRA with guidance as to how it can improve the program, and how it might be scaled up throughout the railroad industry.

Program evaluation is an inherently data driven activity. Its basic tenet is that as change is implemented, data can be collected to track the course and consequences of the change. Because of the setting in which C<sup>3</sup>RS is being implemented, that data must come from the railroad employees (labor and management) who may be affected. Critical data include beliefs about safety and issues related to safety, and opinions/observations about the operation of C<sup>3</sup>RS.

The proposed study is a five-year demonstration project to improve rail safety, and is designed to identify safety issues and propose corrective action based on voluntary reports of close calls submitted to the Bureau of Transportation Statistics, U.S. Department of Transportation. Because of the innovative nature of this program, FRA is implementing an evaluation, which will be carried out by the Volpe National Transportation Systems Center (Volpe Center), U.S. Department of Transportation, to determine whether the program is succeeding, how it can be improved and, if successful, what is needed to spread the program throughout the railroad industry. Confidential interviews to evaluate the close call reporting system will be conducted with two groups: (1) Key stakeholders to the process (e.g., FRA officials, industry labor, and carrier management within participating railroads); and (2) Employees in participating railroads who are eligible to submit close call reports to the Confidential Close Call Reporting System. Different questions will be addressed to each of these two groups. Confidential interviews will be semi-structured, with follow-up questions asked as appropriate depending on the respondent's initial answer.

*Form Number(s):* FRA F 6180.126A; FRA F 6180.126B.

*Affected Public:* Railroad Employees and Key Non-railroad Stakeholders.

*Respondent Universe:* 300 Select Railroad Employees/Non-railroad Stakeholders.

*Frequency of Submission:* On Occasion.

*Estimated Annual Burden:* 267 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 June 28, 2007.

**Belinda Ashton,**

*Acting Director, Office of Budget, 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 from 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.

#### Boone & Scenic Valley Railroad

[Docket Number FRA–2007–28097]

By letter dated April 26, 2001, the Boone & Scenic Valley Railroad (BSV) petitioned FRA for a waiver of compliance from the requirements of 49 CFR 223.11, *Existing locomotives*, for four diesel electric locomotives, under Docket Number FRA–2001–9607. These four locomotives are: Numbers 1858 and 2254 (built by General Electric), Number 1098 model S–2 (American Locomotive Company), and Number 1003 model NW–2 (Electromotive Division of General Motors).

On October 2, 2001, the Railroad Safety Board approved this requested waiver for a period of 5 years, with an option for renewal. On December 6, 2006, the Board extended the waiver for an additional 5 years. However, the BSV also operates a steam locomotive, Number JS8419, over approximately 12 miles of their line from Boone, IA, in conjunction with their tourist and excursion service. Since this locomotive was built after January 1, 1946, it is required to be equipped with glazing

material compliant with the requirements of 49 CFR 223.11. Steam locomotive Number JS8419 was built in China by Datong Locomotive Works in Shanxi, China, in October 1988, purchased new by the BSV in 1989, and delivered with automotive-type safety glazing. It has been in regular summer weekend service each year since 1990, except for in 1993 and 2002.

By letter dated February 12, 2007, BSV requested that Number JS8419 be granted a waiver under the same conditions as their four diesel electric locomotives. They stated that retrofitting JS8419 with compliant glazing would be very costly, and a serious financial burden on the museum.

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 (e.g., Waiver Petition Docket Number FRA-2007-28097) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room W12-140, 1200 New Jersey Avenue, SE., 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 DOT Central Docket Management Facility, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. 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 19377-78). The

statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on June 28, 2007.

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

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

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#### Carolina Coastal Railway, Inc.

[Docket Number FRA-2007-28420]

The Carolina Coastal Railway, Inc. (CLNA) seeks a permanent waiver of compliance from *Control of Alcohol and Drug Use*, 49 CFR Part 219 Subpart G, which requires a railroad to conduct random alcohol and drug testing. CLNA has less than 16 hours of service employees and previously had no joint operations, but they plan to lease from Norfolk Southern Corporation (NS) nearly 140 miles of track from Raleigh to Plymouth, NC, on June 15, 2007. The CLNA will operate over NS tracks to reach their yards for interchange potentially at Chocowinity, NC, and at Raleigh, NC. CSX Transportation (CSX) will have overhead trackage rights over a 16-mile segment of the track, although there will be temporal separation since CLNA's operation will be during daytime hours and CSX's operations will be restricted to nighttime hours.

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 (e.g., Waiver

Petition Docket Number FRA-2007-28420) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, 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>.

FRA wishes to inform all potential commenters that 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>.

Issued in Washington, DC on June 28, 2007.

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

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

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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) has received a request for a waiver of compliance from 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.

#### Maryland Transit Administration

[Modification to Waiver Petition Docket Number FRA-2000-7054/7286]

As a modification to the Maryland Transit Administration's (MTA) existing Shared Use/Temporal Separation waiver originally granted by FRA on January 19, 2001, MTA is requesting that FRA