

NVDOT's and Brightline West's DSWP further explains that over 95 percent of the total direct dollar expenditures for the Project would be spent on domestically sourced products and labor, including 100 percent of the civil infrastructure costs. In addition, the Project is expected to support approximately 35,000 domestic jobs across the construction period and includes a project labor agreement (PLA). The operator has reached an agreement with rail labor which may result in ongoing operations and maintenance work being performed by union labor.<sup>6</sup> The DSWP further explains efforts Brightline West would take to facilitate, where feasible, a ramp up in domestic production capabilities for the materials that are not currently produced in the United States on future high-speed rail projects in the United States.

In the absence of a waiver, NVDOT and Brightline West argue that the Project could not be delivered within the planned schedule and budget because there is no domestic supplier for the components listed above. To ensure safety of the system, Brightline West expects to conform with FRA's Passenger Equipment Safety Standards governing Tier III equipment,<sup>7</sup> which allows for service-proven high-speed rail technologies from around the world (in this case Europe) to be introduced to the United States with minimal modification.

For example, the high-speed rolling stock aluminum car shells are critical to the achievement of high speeds, due to aluminum's strength and light weight, and it has taken decades of development in technology by highly specialized experts that can shape, mold, and weld these car shells to the required safety and quality standards, including crashworthiness. There is currently no available aluminum car shell manufacturer in the United States, and it would take years to establish a domestic, quality-controlled manufacturing capability. The relatively small size of the Project's order (ten trainsets) is also not considered by the applicant to be sufficient to justify the significant capital investments required to initiate development of domestic production capacity for those products.

In its request for a waiver, NVDOT and Brightline West explain how they conducted due diligence and performed thorough market research to adequately

consider qualifying alternate items, products, or materials. Brightline West engaged with both Alstom and Siemens to determine the systems that could be manufactured domestically. These efforts included considering options for the establishment of either temporary or permanent manufacturing facilities, alternative manufacturing processes, and system design. In addition, Brightline West conducted market research to identify a domestic supplier for high-speed turnout and fire alarm components. However, Brightline West was unable to identify a domestic supplier for the rolling stock, signal systems, turnout, and fire alarm components.

#### VII. Proposed Waiver

Based on its review of the waiver request and DSWP, FRA proposes to waive its Buy America requirements for the following components for the Project:

- The infrastructure components listed above in Section V(c); and the rolling stock components listed in either:
  - Section V(a), if Siemens is selected as the preferred supplier; or
  - Section V(b), if Alstom is selected as the preferred supplier.

The proposed waiver would apply only to components listed above for use in the Project, as described in the grant agreement between FRA and NVDOT. FRA is not proposing to waive any requirements under BABA, as the proposed waiver does not apply to any construction materials used in the Project. The proposed waiver would not apply to other FRA grantees or to other grants that might be made to NVDOT or Brightline West for other projects (including any future phases related to the Project).

#### VIII. Request for Comment

FRA will consider comments received during the comment period, consistent with BABA and 2 CFR 184.7. FRA may consider comments received after this period to the extent practicable. Consistent with 49 U.S.C. 22905(a)(4), if FRA determines it is necessary to waive its Buy America requirements, FRA will publish its decision in the **Federal Register** and provide an opportunity for public comment on such finding for a reasonable period of time not to exceed 15 days. After such period, FRA's decision will be effective.

Issued in Washington, DC.

**Amitabha Bose,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2023-0002-N-36]

#### Proposed Agency Information Collection Activities; Comment Request

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

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

**DATES:** Interested persons are invited to submit comments on or before February 9, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be submitted on regulations.gov to the docket, Docket No. FRA-2023-0002. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130-0533) in any correspondence submitted. FRA will summarize comments received in a subsequent 30-day notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Ms. Arlette Mussington, Information Collection Clearance Officer, at email: [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609-1285, or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto:joanne.swafford@dot.gov) or telephone: (757) 897-9908.

**SUPPLEMENTARY INFORMATION:** The PRA, 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 to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the

<sup>6</sup> In March 2023, thirteen rail unions representing more than 160,000 workers signed a Memorandum of Understanding with Brightline West, establishing a commitment for the use of highly skilled union labor required to operate and maintain the System.

<sup>7</sup> See 49 CFR part 238.

burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3)

accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Qualification and Certification of Locomotive Engineers.

*OMB Control Number:* 2130–0533.

*Abstract:* Section 4 of the Rail Safety Improvement Act of 1988, Public Law 100–342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103–272, 108 Stat. 874 (July 5, 1994), required FRA to issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers (DSLEs).

The collection of information is used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

In this 60-day notice, FRA makes adjustments that increased the burden hours from 23,964 to 23,969 hours. This increase is a result of a correction of rounding errors from the previous submission and in the number of estimated qualified DSLEs and locomotive engineers as required under 49 CFR 240.201 and 240.221.

*Type of Request:* Extension without change (with changes in estimates) of a currently approved collection.

*Affected Public:* Businesses (Railroads).

*Form(s):* N/A.

*Respondent Universe:* 784 Railroads.

*Frequency of Submission:* On occasion; annually; triennially.

REPORTING BURDEN

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollars (D = C * wage rates) <sup>1</sup>
240.9—Waivers	784 railroads	2 waiver petitions	1.00 hour	2.00	\$85.93	\$171.86
240.101/103—Certification Program: written program for certifying qualifications of locomotive engineers—material modifications.	784 railroads	25 material modifications.	5.00 minutes	2.08	85.93	178.73
—Certification programs for new railroads	5 new railroads	5 programs	1.00 hour	5.00	85.93	429.65
—New railroads final review and submission of certification program.	5 new railroads	5 reviews	1.00 hour	5.00	85.93	429.65
—(b)(1)—RR provision of copy of certification program submission or resubmission to president of labor unions representing employees simultaneously with filing with FRA.	62 railroads	62 copies	5.00 minutes	5.17	85.93	444.26
—(b)(2)—RR affirmative statement that it has served certification program copy to labor unions.	62 railroads	62 copies	5.00 minutes	5.17	85.93	444.26
—(c)—RR employee comment on submission, resubmission, or material modification of RR certification program.	62 railroads	62 comments	8.00 hours	496.00	85.93	42,621.28
—(h)—RR material modifications to program after initial FRA approval (formerly under (e)).	784 railroads	10 modified programs.	10.00 minutes	1.67	85.93	143.50
240.105(c) Written reports/determinations of DSLE performance skills.	784 railroads	10 written reports	30.00 minutes	5.00	123.41	617.05
240.109/App. C—Prior safety conduct data.	17,667 candidates	25 responses	5.00 minutes	2.08	63.07	131.19
240.111/App C—Driver’s license data requests from chief of driver licensing agency of any jurisdiction, including foreign countries.	17,667 candidates	17,667 requests	10.00 minutes	2,944.50	85.93	253,020.89
—NDR match—notifications and requests for data.	784 railroads	177 notices +177 requests.	5 + 5 minutes	29.50 <sup>2</sup>	85.93	2,197.75
—Written response from candidate on driver’s license data.	784 railroads	20 cases/comments	10.00 minutes	3.33	63.07	210.02
240.111(g)—Notice to RR of absence of license.	53,000 candidates	4 letters	5.00 minutes	0.33	63.07	20.81
240.111(h)—Duty to furnish data on prior safety conduct as motor vehicle operator.	784 railroads	100 communications.	5.00 minutes	8.33	63.07	525.37
240.113—Notice to RR furnishing data on prior safety conduct—different RR.	17,667 candidates	353 requests + 353 responses.	5 + 5 minutes	58.84 <sup>3</sup>	85.93	4,383.58
240.115(d)—RR temporary certification or recertification of locomotive engineer for 60 days after having requested the motor vehicle information specified in paragraph (h) of this section.	784 railroads	25 recertifications	5.00 minutes	2.08	63.07	178.73

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollars (D = C * wage rates) <sup>1</sup>
—(i)(2)—RR drug and alcohol counselor request of employee's record of prior counseling or treatment.	17,667 candidates ..	400 requests .....	5.00 minutes .....	33.33	63.07	2,102.12
—(i)(3)—Conditional certification based on recommendation by drug and alcohol counselor (DAC) of employee aftercare and/or follow-up testing for alcohol/drugs.	17,667 candidates ..	100 conditional certifications/DAC recommendations.	1.00 hour .....	100.00	63.07	6,307.00
—(i)(4)—RR employee is evaluated by DAC as having an active substance abuse disorder.	17,667 candidates ..	100 DAC evaluations.	1.00 hour .....	100.00	63.07	6,307.00
240.117(i)(4)—RR employee completion of training/retraining prior to return to service—records.	53,000 locomotive engineers.	400 trained/re-trained records.	5.00 minutes .....	33.33	63.07	2,102.12
240.119(c)—Written records indicating dates that the engineer stopped performing or returned to certification service + compliance/observation test.	784 railroads .....	400 records .....	5.00 minutes .....	33.33	63.07	2,102.12
240.119(d)—Self-referral re: active substance abuse disorder.	53,000 locomotive engineers.	150 self-referrals ....	5.00 minutes .....	12.50	63.07	788.38
240.119(e)(3)(i)—RR determination that the most recent incident occurred.	<i>The estimated paperwork burden for this requirement is included above under § 240.119(c).</i>					
240.119(e)(3)(ii)—RR notification to person that recertification has been denied or revoked.	784 railroads .....	200 notifications .....	30.00 minutes .....	100.00	63.07	6,307.00
240.119(e)(4)(iii)—Locomotive engineer waiver of investigation in case of one violation of section 219.101.	53,000 locomotive engineers.	200 waivers .....	2.00 minutes .....	6.67	63.07	420.68
240.121—Criteria—vision/hearing acuity data—new railroads.	5 railroads .....	5 copies .....	5.00 minutes .....	0.42	85.93	36.09
240.121—Criteria—vision/hearing acuity data—condition certification.	784 railroads .....	5 reports .....	5.00 minutes .....	0.42	123.41	51.83
240.121—Criteria—vision/hearing acuity data—not meeting standards—notice by employee.	784 railroads .....	10 notifications .....	5.00 minutes .....	0.83	63.07	52.35
240.129(b)—RR documents on file regarding determination made regarding operational fitness.	53,000 locomotive engineers.	1,000 records .....	5.00 minutes .....	83.33	85.93	7,160.55
240.201/221—List of qualified DSLEs .....	784 railroads .....	784 updates .....	5.00 minutes .....	65.33	85.93	5,613.81
240.201/221—List of qualified locomotive engineers.	784 railroads .....	784 updated lists ....	5.00 minutes .....	65.33	85.93	5,613.81
240.201/223/301—Locomotive engineers certificate.	53,000 candidates ..	17,667 certificates ..	5.00 minutes .....	1,472.25	85.93	126,510.44
240.207—Medical certificate showing hearing/vision standards are met.	53,000 candidates ..	17,667 certificates ..	30.00 minutes .....	8,833.50	123.41	1,090,142.24
—Written determinations waiving use of corrective device.	784 railroads .....	30 determinations ...	5.00 minutes .....	2.50	123.41	308.53
240.219(a)—RR notification letter to employee of certification denial + employee written rebuttal.	17,667 candidates ..	90 letters and responses.	30.00 minutes .....	45.00	85.93	3,866.85
—RR Notice/written documents/records to candidate that support its pending denial decision.	784 railroads .....	45 documents/ records.	2.00 minutes .....	1.50	85.93	128.90
240.229(3)(ii)—Joint operations—notice—not qualified.	321 railroads .....	184 employee calls	5.00 minutes .....	15.33	63.07	966.86
240.301(b)—Temporary replacement certificates valid for no more than 30 days.	784 railroads .....	600 replacement certificates.	30.00 minutes .....	300.00	85.93	25,779.00
240.305(c)—Engineer's notice of non-qualification to RR.	53,000 engineers or candidates.	100 notifications .....	5.00 minutes .....	8.33	63.07	525.37
—(d)—Relaying certification denial or revocation status to other certifying railroad.	1,060 engineers .....	2 letters .....	15.00 minutes .....	0.50	63.07	31.54
240.307(a–b)—Notice to engineer of disqualification.	784 railroads .....	550 + 550 letters ....	1 + 1 hour .....	1,100.00 <sup>4</sup>	85.93 63.07	81,950.00
240.307(b)(4)—RR provision to employee of copy of written information and list of witnesses that it will present at hearing.	784 railroads .....	690 copies/list .....	5.00 minutes .....	57.50	85.93	4,940.98
240.307(b)(5)—RR determination on hearing record whether person no longer meets certification requirements of this CFR part.	784 railroads .....	690 hearing determination.	1.00 hour .....	690.00	85.93	59,291.70
240.307(c)(11)(i)(ii)—RR written decision after close of hearing containing findings of fact & whether a revocable event occurred.	784 railroads .....	690 written decisions.	30.00 minutes .....	345.00	85.93	29,645.85

REPORTING BURDEN—Continued

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollars (D = C * wage rates) <sup>1</sup>
240.307(c)(11)(iii)—RR service of written decision on employee and employee's representative.	784 railroads .....	690 copies .....	5.00 minutes .....	57.50	85.93	4,940.98
240.307(f)—Personal waiver of right to hearing under this section.	784 railroads .....	750 written waivers	5.00 minutes .....	62.50	63.07	3,941.88
240.307(j)—RR update of record with relevant information.	784 railroads .....	50 updated records	10.00 minutes .....	8.33	85.93	715.80
240.309—RR oversight responsibilities: detected poor safety conduct—annotation.	15 railroads .....	6 annotations .....	15.00 minutes .....	1.50	63.07	94.61
—Railroad annual review .....	51 railroads .....	51 reviews .....	3.00 hours .....	153.00	85.93	13,147.29
240.205—Data to DAC Counselor .....	784 railroads .....	177 records .....	5.00 minutes .....	14.75	123.41	1,820.30
240.209/213—Written documentation of tests.	53,000 candidates ..	17,667 testing records.	1.00 minute .....	294.45	85.93	25,302.09
240.211/213—Written documentation of performance tests.	53,000 candidates ..	17,667 testing records.	1.00 minute .....	294.45	85.93	25,302.09
240.215—Retaining information supporting determination.	784 railroads .....	17,667 records .....	5.00 minutes .....	1,472.25	85.93	126,510.44
240.303—Annual operational monitoring observation.	53,000 candidates ..	53,000 testing records.	1.00 minute .....	883.33	85.93	75,904.55
240.303—Annual operating rules compliance test.	53,000 candidates ..	53,000 testing records.	1.00 minute .....	883.33	85.93	75,904.55
240.307(b)(4)—RR hearings/hearing records.	784 railroads .....	690 hearings/ records.	4.00 hours .....	2,760.00	85.93	237,166.80
Total <sup>5</sup> .....	784 railroads .....	224,652 responses	N/A .....	23,969	N/A	2,365,953

Total Estimated Annual Responses: 224,652.

Total Estimated Annual Burden: 23,969.

Total Estimated Annual Dollar Cost Equivalent: \$2,365,953.

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 that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Allison Ishihara Fultz,  
Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2023–0002–N–38]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) summarized below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before February 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on *regulations.gov* to the docket, Docket No. FRA–2023–0002. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number (2130–0597) in any correspondence submitted. FRA will summarize comments received in a

subsequent 30-day notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285, or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 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 to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) 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; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public,

<sup>1</sup> Throughout the tables in this document, the dollar equivalent cost is derived from the 2022 Surface Transportation Board Full Year Wage A & B data series using the appropriate employee group to calculate the average hourly rate that includes 75 percent overhead.

<sup>2</sup> Total burden hours are divided equally for each requirement 14.75 + 14.75 = 84.84 hours.

<sup>3</sup> Total burden hours are divided equally for each requirement 29.42 + 29.42 = 84.84 hours.

<sup>4</sup> Total burden hours are divided equally for each requirement 550 + 550 = 84.84 hours.

<sup>5</sup> Totals may not add up due to rounding.