

CFR Section—49 CFR	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
225.12(f)—Rail Equipment Accident/Incident Reports—Human Factor—Employee Confidential Letter.	Railroad Employees .....	10 letters .....	2 hours .....	20	520
225.13—Amended Rail Equipment Accident/Incident Reports.	685 railroads .....	10 amended reports, 20 copies.	1 hour + 3 minutes .....	11	462
225.17—Doubtful Cases; Alcohol/Drug Involvement ....	685 railroads .....	80 reports .....	30 minutes .....	40	1,680
—Appended Reports .....	685 railroads .....	5 reports .....	30 minutes .....	3	126
225.19—Highway—Rail Grade Crossing Accident/Incident Reports (Form FRA F 6180.57).	685 railroads .....	3,400 forms .....	2 hours .....	6,800	285,600
—Death, Injury, or Occupational Illness (Form FRA F 6180.55a).	685 railroads .....	13,800 forms .....	20 minutes .....	4,400	184,800
225.21 Forms:					
—Form FRA F 6180.55—Railroad Injury/Illness Summary.	685 railroads .....	8,220 forms .....	10 minutes .....	1,370	57,540
—Form FRA F 6180.56—Annual Report of Employee Hours and Casualties by State.	685 railroads .....	685 forms .....	15 minutes .....	171	7,182
—Form FRA F 6180.98—RR Employee Injury and/or Illness Record.	685 railroads .....	18,000 forms .....	1 hour .....	18,000	756,000
—Form FRA F 6180.98—Copies .....	685 railroads .....	540 copies .....	2 minutes .....	18	756
—Form FRA F 6180.97—Initial Rail Equipment Accident/Incident Record.	685 railroads .....	13,000 forms .....	30 minutes .....	6,500	273,000
—Form FRA F 6180.107—Alternate Record For Illnesses Claimed to Be Work Related.	685 railroads .....	300 forms .....	15 minutes .....	75	3,150
225.25—Posting of Monthly Summary .....	685 railroads .....	8,220 lists .....	16 minutes .....	2,192	92,064
225.27—Retention of Records .....	685 railroads .....	1,900 records .....	2 minutes .....	63	2,646
225.33—Internal Control Plans—Amended .....	685 railroads .....	25 amendments .....	14 hours .....	350	14,700
225.35—Access to Records and Reports—Lists .....	15 railroads .....	400 lists .....	20 minutes .....	133	5,586
—Subsequent Years .....	4 railroads .....	16 lists .....	20 minutes .....	5	210
225.37—Magnetic Media Transfers .....	8 railroads .....	96 transfers .....	10 minutes .....	16	672
—Batch Control (Form FRA F 6180.99) .....	685 railroads .....	200 forms .....	3 minutes .....	10	420

All estimates include the time for reviewing instructions, searching existing data sources, gathering or maintaining the needed data, and reviewing the information.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, 725 17th St., NW., Washington, DC 20503. OMB is required to make a decision concerning the information collection requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

FRA is not authorized to impose a penalty on persons for violating information collection requirements which do not display a current OMB control number, if required. FRA intends to obtain current OMB control numbers for any new information collection requirements resulting from this rulemaking action prior to the effective date of the final rule. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

#### D. Federalism Implications

Executive Order 13132, entitled, "Federalism," issued on August 4, 1999, requires that each agency "in a

separately identified portion of the preamble to the regulation as it is to be issued in the **Federal Register**, provide to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of the State and local officials have been met \* \* \*."

When issuing the proposed rule and final rule in this proceeding, FRA has adhered to Executive Order 13132. FRA engaged in the required Federalism consultation during the early stages of the rulemaking through meetings of the full RSAC, on which several representatives of groups representing State and local officials sit. To date, FRA has received only one concern about the Federalism implications of this rulemaking from these representatives, regarding whether or not FRA's notification requirements would preempt State accident notification requirements. Although FRA's regulations under part 225 preempt States from prescribing accident/incident reporting requirements, there is nothing in these regulations that preempts States from having their own, perhaps even

different, accident notification requirements:

Issuance of these regulations under the federal railroad safety laws and regulations preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of accident/incident and injury/illness reports filed with FRA under this part, for accident/incidents and injuries/illnesses which occur in that State.

49 CFR 225.1. FRA did not propose to change this provision that a State may require a railroad to submit to the State copies of reports required by part 225 regarding accidents in the State.

Additionally, section 20902 of title 49 of the United States Code, which authorizes the Secretary of Transportation to investigate certain accidents and incidents, provides: "[i]f the accident or incident is investigated by a commission of the State in which it occurred, the Secretary, if convenient, shall carry out the investigation at the same time as, and in coordination with, the commission's investigation." This section contemplates that States have an interest in carrying out simultaneous investigations in coordination with the Secretary, where convenient. It would be consistent with this interest to permit States to adopt their own accident notification requirements so as to allow a prompt, and perhaps coordinated, investigation. Accordingly, FRA believes that it has satisfied the Executive Order.