

SUPPORTING JUSTIFICATION
Conductor Certification
OMB No. 2130-0596

FRA is requesting a **non-substantive change** to the OMB inventory for the above information collection based on adjustments listed in the Notice of Action (NOA) dated January 12, 2012, that were not correctly calculated. Please see below for details.

The current OMB inventory shows a total burden of **3,972,997** hours for this collection. This total is not correct. ****The **correct total** for the previously approved submission should be **936,397 hours** and **354,076 responses**.

For the Conductor Certification **NPRM** ICR, FRA requested a total burden of **11,466,123** hours and **472,215** responses. The **NOA** for this submission reads as follows: “Comment filed on proposed rule and continue.

For the Conductor Certification **Final Rule** ICR, FRA originally requested a total burden of **10,992,997** hours and **366,676** responses. So, requirements changed in the final rule and estimates were adjusted as well, and the total number of hours went down from the NPRM submission.

The **NOA** for this final rule submission noted that, under section 242.119(c), only 5,400 conductors would receive the full 560 hours of training (rather than the 18,000 listed in the final rule submission) because 12,600 conductors/candidates would be grandfathered in and not need to be trained. This revision/adjustment helpfully made by OMB for the grandfathering of training conductors reduced the burden by **7,056,000** hours (and the number of responses by **12,600**). For the requirement under section 242.119(c), the original final rule submission showed a burden of **10,098,000** and showed 36,000 responses.

In the revised Final Rule Supporting Justification, the OMB adjusted burden reduction of **7,056,000** hours was correctly subtracted from the **10,098,000** hours for the training part of the requirement leaving a total burden for this requirement of **3,042,000** hours. However, a corresponding adjustment was not made for the 18,000 written documents part of the requirement. An additional **12,600** hours and additional **12,600** responses needed to be subtracted to make a correct total adjustment of **3,029,400** hours (**3,042,000** hours - **12,600** hours) and **10,800** responses (original **36,000** responses – **25,200** responses). FRA mistakenly listed the number of responses in the revised Supporting Justification as **5,400** (not the correct **10,800**). So, the **correct** number of hours should have been **3,960,397 hours** and the **correct** number of responses listed should have been **359,476 responses**.

The Final Rule **NOA** shows a total burden **3,972,997 hours** (instead of the correct **3,960,397 hours**) and shows the total number of responses as **354,076** (instead of the correct **359,476 responses**).

Based on OMB’s interpretation of the training requirement under section 242.119(c) as falling under one of the exceptions for a collection of information under 5 CFR 1320.3, the corrected number of **3,960,397 hours** and **359,476 responses** require further adjustment. Only 5,400 written documents incurring a burden time of one hour for a total of **5,400 hours** and **5,400 responses** would be counted as burden under this requirement. The total burden for the entire collection then amounts to **936,397 hours** and **354,076 responses**, reducing the burden in the OMB inventory for this collection by 3,036,600 hours.

FRA requests this non-substantive change to the OMB inventory to reflect the true burden.