

11FEDERAL RAILROAD ADMINISTRATION
Safety and Health Requirements Related to Camp Cars
(Title 49 Code of Federal Regulations Part 228)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0595

Summary

- This submission is a request for an extension with change of the last three-year approval granted by the Office of Management and Budget (OMB) on April 2, 2018, which now expires on April 30, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day *Federal Register* Notice on October 16, 2020. See 85 FR 65899. FRA received no comments in response to this Notice.
- The total number of burden hours requested for this information collection is 994 hours. The total number of burden hours previously approved by OMB was 1,043 hours.
- The total number of responses requested for this information collection is 6,125. The total number of responses previously approved by OMB was 11,206.
- Overall, the adjustments decreased the burden by 49 hours and decreased responses by 5,081 after a thorough review of the data.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.
- There are no **program changes** at this time.

1. Circumstances that make collection of the information necessary.

Background

This final rule was issued primarily to help satisfy the requirements of section 420 of the Rail Safety Improvement Act of 2008 (RSIA), Pub. L. 110-432, Div. A, 122 Stat. 4848, October 16, 2008 (amending a provision of the hours of service laws at 49 U.S.C. 21106). RSIA requires the Secretary of Transportation (Secretary) to adopt regulations no later than April 1, 2010, establishing minimum standards for “employee sleeping quarters” in the form of “camp cars” that are provided by railroads. 49 U.S.C. 21106(a)(1)(c). Specifically, RSIA instructs the Secretary to prescribe regulations “to implement [49

U.S.C. 21106(a)(1)] to protect the safety and health of any employees and individuals employed to maintain the right of way of a railroad carrier that uses camp cars..." 49 U.S.C. 21106(c). The statutory term "employee" is defined in 49 U.S.C. 21101(3) to include a train employee, a signal employee, and a dispatching service employee, who as a group are sometimes referred to as "covered service employees." As amended through 2008, 49 U.S.C. 21106(a)(1) provides that such camp cars must be —

clean, safe, and sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees.

49 U.S.C. 21106(a)(1). RSIA requires the Secretary to conduct this rulemaking "in coordination with the Secretary of Labor," and to "assess the action taken by any railroad carrier to fully retrofit or replace its camp cars" 49 U.S.C. 21106(c).

In addition, RSIA directly requires that railroads using camp cars must "fully retrofit or replace such cars in compliance with [49 U.S.C. 21106(a)]" by December 31, 2009. 49 U.S.C. 21106(b). As will be further explained below, FRA interprets 49 U.S.C. 21106(b) as (1) applying the prohibition in 49 U.S.C. 21106(a)(2) against beginning construction or reconstruction of employee sleeping quarters near switching or humping operations to camp cars provided by railroads as sleeping quarters for individuals employed to maintain the railroad right of way (MOW workers) and (2) setting a compliance date of December 31, 2009, with respect to such camp cars exclusively for MOW workers.

The Secretary has delegated the responsibility to carry out his responsibilities under RSIA to the Administrator of FRA. 74 FR 26981, 26982, June 5, 2009, codified at 49 CFR 1.49(oo). See also 49 CFR 1.49(d), delegating the Secretary's authority to carry out the hours of service laws to the Administrator of FRA, and 49 U.S.C. 103.

To carry out a 2008 Congressional rulemaking mandate, FRA is promulgating regulations at new Subpart E of Part 228, prescribing minimum safety and health requirements for camp cars that a railroad provides as sleeping quarters to any of its train employees, signal employees, and dispatching service employees and individuals employed to maintain its right of way. The new regulations would supplant existing guidelines that interpret existing statutory requirements, enacted decades earlier, that railroad-provided camp cars be clean, safe, and sanitary, and afford those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the railroad. In further response to the rulemaking mandate, the proposed regulations would include the additional statutory requirements, enacted in 2008, that camp cars be provided with indoor toilets, potable water, and other features to protect the health of such workers. FRA coordinated with the U.S. Department of Labor, as required by the Congressional mandate, when this rule was developed.

Under separate but related statutory authority, FRA amended Subpart C of 49 CFR Part 228, “Construction of Railroad-Provided Sleeping Quarters.” This Subpart contains FRA’s longstanding regulations implementing the statutory provision that prohibits railroads, effective July 8, 1976, from beginning the construction or reconstruction of railroad-provided sleeping quarters for train employees, signal employees, and dispatching service employees in an area or in the immediate vicinity of an area where railroad switching or humping of hazardous material occurs.

FRA implemented a 2008 statutory amendment that, on and after December 31, 2009, camp cars provided by a railroad as sleeping quarters exclusively for individuals employed to maintain the right of way of a railroad are within the scope of the prohibition against beginning construction or reconstruction of employee sleeping quarters near railroad switching or humping of hazardous material. FRA’s regulatory amendments prohibit a railroad from positioning such a camp car in the immediate vicinity of the switching or humping of hazardous material.

Finally, FRA made conforming changes to Part 228, clarify its provision on applicability, remove an existing provision on the preemptive effect of Part 228 as unnecessary, and move, without change, an existing provision on penalties for violation of Part 228 from subpart B to subpart A.

2. How, by whom, and for what purpose the information is to be used.

This is an extension with change to a current collection of information entirely associated with FRA’s Part 231 rule. The information collected under this rule is used by FRA to ensure that railroads operating camp cars comply with all requirements of this regulation in order to protect the health and safety of camp car occupants. Specifically, FRA inspectors—in the course of their audits—ensure that a camp car that has a faucet that has water not supplied from a potable source has mandated signage stating that “the water is not suitable for human consumption” and “do not drink the water.”

The information collected is also used by FRA inspectors to verify that railroads operating camp cars inspect each water hydrant, hose, or nozzle used for supplying potable water to a camp car water system prior to use and keep records of these inspections as required under § 228.323. Each such hose or nozzle used must be cleaned and sanitized as part of the inspection. A signed, dated record of this inspection must be kept within the camp for the period of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated. Review of the required record enables FRA inspectors to closely monitor water hydrants, hoses, and nozzles used for supplying potable water to a camp car water system are properly cleaned, sanitized, and inspected in order to prevent camp car occupants from drinking contaminated water.

The information collected under § 228.323 is also be used by FRA to confirm that only trained individuals are permitted to fill the potable water systems. Each individual who fills a potable water system must be trained in the following: (i) The approved method of inspecting, cleaning, and sanitizing hydrants, hoses, and nozzles used for filling potable water systems; and (ii) The approved procedures to prevent contamination during watering. Individuals who are properly trained to fill potable water systems help ensure that the drinking water remains safe for all camp car occupants.

Furthermore, under this section, FRA inspectors verify that railroads keep essential certification records/copies regarding the safety of potable water from a different local source. The requirement states that each time that potable water is drawn from a different local source, the railroad must obtain a certificate from a State or local health authority indicating that the water from this source is of a quality not less than that prescribed in the National Primary Drinking Water Regulations promulgated by the U.S. Environmental Protection Agency (EPA) or obtain such a certificate by a certified laboratory following testing for compliance with those standards. The current certification must be kept within the camp for the duration of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated. Certification by a State or local health authority or testing by a certified laboratory and FRA review of certification records help ensure that drinking water used by camp car occupants meets Federal standards and is safe for consumption.

Also, under § 228.323, FRA inspectors verify that necessary flushing records are kept by railroads operating camp cars. Under the requirement, each potable water system must be drained and flushed with a disinfecting solution at least once every 120 days. The railroad must maintain a record of the draining and flushing of each separate system within the camp for the last two drain and flush cycles. The record must contain the date of the work and the name(s) of the individual(s) performing the work. The original record must be maintained with the camp. A copy of each of these records must be sent to a centralized location for the railroad and maintained for one year. To be safe for consumption by camp car occupants, it is critical that potable water systems be drained and flushed periodically with a disinfecting solution to prevent the growth of bacteria that causes sickness. FRA closely monitors the required flushing and taste records to ensure that this necessary task is completed on a continuing basis while camp cars are operational, especially when camp car occupants report experiencing taste problems with the drinking water.

Under § 228.323, following any report of a taste problem with the water from a system or a health problem resulting from the water in a system, samples of water from each tap or dispensing location on the system must be collected and sent to a laboratory approved by the EPA for testing for heterotrophic plate counts, total coliform, and fecal coliform. If a

single sample fails any of these tests, the system must be treated as follows: (i) *Heterotrophic plate count*. Drain and flush the system within two days, and then return it to service. (ii) *Total coliform*. Remove the system from service, drain and flush system, resample the system, and then return the system to service. (iii) *Fecal coliform*. Remove the system from service, drain and flush the system, resample the system, and do not return the system to service until a satisfactory result on the test of the samples is obtained from the laboratory.

FRA reviews these laboratory reports to ensure that the necessary testing is done as prescribed and the water kept safe to drink. The requirement states that all laboratory reports pertaining to the water system of the camp car must be maintained with the car. Within 15 days of the receipt of such a laboratory report, a copy of the report must be posted for a minimum of 10 calendar days at a conspicuous location within the camp car or cars affected for review by occupants. Thus, camp car occupants use these reports to be kept fully informed of the status of their drinking water after reporting a taste problem and can be assured that water they are drinking is safe for consumption. The report must be maintained in the camp car for the duration of the same connection. When the connection is terminated, the certification must be submitted promptly to a centralized location for the railroad and maintained on file for one year from the date the connection was terminated.

Under § 228.331, FRA ensures that any railroad using camp cars submits a master emergency preparedness plan pertaining to life safety and prominently display a copy of this plan in all their camp cars so that all camp occupants can view it at their convenience. FRA reviews each plan to ensure that it addresses the following items: (1) The means used to be aware of and notify all occupants of impending weather threats, including thunderstorms, tornados, hurricanes, floods and other major weather related risks; (2) Shelter-in- place and emergency-evacuation instructions for each of the specific threats identified; and (3) The address and telephone number of the nearest emergency medical facility and directions on how to get there from the camp car. Camp car occupants use this information to take necessary action to protect their lives and health.

Finally, under § 228.333, railroads must take remedial action within 24 hours after receiving a good faith notice from a camp car occupant or an employee labor organization or notice from FRA of non-compliance with this Subpart. The good faith notices will be used by railroads to correct each non-complying condition on a camp car. If the non-complying condition is not correctable, the railroad must cease use of the camp car as sleeping quarters for each occupant. FRA inspectors also use this information to ensure that necessary remedial actions are taken for camp cars with non-complying conditions.

In the event that a non-complying condition affects the safety or health of an occupant, such as, but not limited to, water, cooling, heating, or eating facilities; sanitation issues

related to food storage, food handling or sewage disposal; vermin or pest infestation; or electrical hazards, the railroad must immediately—upon notice—provide alternative arrangements for housing and for providing food to the employee or MOW worker until the condition adverse to the safety or health of the occupant(s) is corrected. FRA inspectors verify that railroads complete the required arrangements.

3. **Extent of automated information collection.**

For many years, FRA has strongly endorsed and highly encouraged the use of the latest information technology, wherever feasible, to reduce burden on the railroad industry. FRA has particularly encouraged the use of electronic records by railroads and other respondents. In keeping with its longstanding practice and with the requirements of the Government Paperwork Elimination Act (GPEA) and the Paperwork Reduction Act (PRA) of 1995, § 228.335 of the rule allows railroads to keep the records required under § 228.323 either on paper forms or electronically, if they so choose. Norfolk Southern (NS) keeps these records electronically. Thus, approximately eight (8) percent of all estimated responses that lend themselves to an electronic capability may be kept electronically by railroads under this rule.

4. **Efforts to identify duplication.**

To our knowledge, the information collection requirements are unique and are not duplicated anywhere.

Similar data are unavailable from any other source.

5. **Efforts to minimize the burden on small businesses.**

“Small entity” is defined in 5 U.S.C. 601 as including a small business concern that is independently owned and operated, and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 500 employees, or a “commuter rail system” with annual receipts of less than seven million dollars. See “Size Eligibility Provisions and Standards,” 13 CFR Part 121, Subpart A.

Additionally, 5 USC 601(5) defines as “small entities” governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000. Federal agencies use a different standard for small entities, in consultation with SBA and in conjunction with public comment. Pursuant to that authority FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as being railroads, contractors and hazardous materials shippers that

meet the revenue requirements of a Class III railroad as set forth in 49 CFR § 1201.1-1, which is \$20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. See 68 FR 24891, May 9, 2003, codified at Appendix C to 49 CFR part 209. The \$20 million limit is based on the Surface Transportation Board's revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR § 1201.1-1. FRA is using this definition for this rulemaking.

It should be noted that the operations of the following railroads, which are not part of the general railroad system of transportation, are exempt from the requirements of Part 228: (1) railroads that operate exclusively on track that is not part of that system (plant railroads, as that term is defined in § 228.5); (2) tourist, scenic, historic, or excursion railroads that are not part of the general railroad system of transportation, a term also defined in § 228.5 (tourist railroads); and (3) rapid transit operations in an urban area that are not connected to the general railroad system of transportation. The first two types of railroads are invariably small.

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the FRA Administrator certified that the rule did not have a significant economic impact on a substantial number of small entities. The *factual basis* for the certification that this final rule did not have a significant economic impact on a substantial number of small entities is that no small entities were affected. This rule affected only one railroad, the Norfolk Southern (NS) Railway, which is a Class I railroad with revenues far exceeding an inflation-adjusted \$20 million. Accordingly, FRA did not consider this impact to be significant.

6. Impact of less frequent collection of information.

If the information were not collected or were collected less frequently, the health and safety of railroad workers occupying camp cars might be seriously jeopardized, thereby impeding an important part of FRA's comprehensive national program to protect railroad workers. Specifically, without the information collected under § 228.323, FRA would have no assurance that necessary signs were posted for faucets within a camp to inform occupants of camp cars that water supplied from a non-potable is not suitable for human consumption. However, this rule requires potable water in lavatories, showers, and sinks. Therefore, it is unlikely that a camp will have any water outlets that are *not* potable.

Also, without the information collected under § 228.323, FRA would have no way to confirm each water hydrant, hose, or nozzle used for supplying potable water to a camp car water system is inspected prior to use. Without the required record, FRA inspectors would be unable to verify that each such hose or nozzle is properly cleaned and sanitized as part of the inspection.

Moreover, without the certification information required under § 228.323, FRA would have no way of knowing about the quality of potable water drawn from a different local source and that such quality is not less than prescribed in the National Primary Drinking Water Regulations promulgated by the Environmental Protection Agency. A certificate by a certified laboratory following testing for compliance with the aforementioned standards serves to assure FRA inspectors that individuals occupying camp cars can safely drink the water and carry out their important duties without fear of consuming contaminated water that might make them seriously ill. Camp car occupants are also assured about the quality of their drinking water by these lab reports, since all lab reports pertaining to the water system of the camp car must be maintained with the car and posted for a minimum of 10 calendar days in a conspicuous location in the camp cars.

Finally, without the flushing information required under § 228.323, FRA would have no record to consult to ensure that each potable water system is drained and flushed with a disinfecting solution at least once every 120 days. The draining and flushing must be done more frequently if an occupant reports a taste or health problem associated with the water or following any plumbing repair.

Without the information collection under § 228.331, camp car occupants might be injured or killed because they were unaware of the railroad's emergency preparedness plan that provides critical information regarding the following issues: (1) The means used to learn of and notify all occupants of impending weather threats, including thunderstorms, tornados, hurricanes, floods and other major weather related risks; (2) Shelter-in- place and emergency-evacuation instructions for each of the specific threats identified; and (3) The address and telephone number of the nearest emergency medical facility and directions for how to get there from the camp car.

Without the requirements under § 228.333, railroads could delay taking necessary remedial action to correct non-complying conditions before they threatened the health and safety of camp car occupants.

In sum, this collection of information promotes and enhances FRA's national rail safety program by ensuring that camp cars are habitable so that camp car occupants can carry out their important daily duties and routines without fear of developing a serious—and perhaps fatal—illness from consumption of contaminated water or food. Also, the collection of information enhances FRA's national rail safety program by ensuring that camp car occupants have all necessary information regarding the nearest medical facility in case of a medical emergency and critical information regarding severe weather so that they can take any necessary protective measures. Thus, the information collected serves to reduce injuries and fatalities to railroad employees and helps FRA to fulfill its primary agency mission and objective.

7. **Special circumstances.**

All information collection requirements contained in this proposed rule are in compliance with this section.

8. **Compliance with 5 CFR 1320.8.**

As required by the Paperwork Reduction Act of 1995 and 5 CFR 1320, FRA published a notice in the *Federal Register* on October 16, 2020, soliciting comment on these information collection requirements from the public, railroads, and other interested parties.¹ FRA received no comments in response to this notice.

9. **Payments or gifts to respondents.**

There are no monetary payments provided or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. **Assurance of confidentiality.**

There is no information of a private or confidential nature requested to be submitted in this final rule. Thus, FRA offers no assurances of confidentiality.

11. **Justification for any questions of a sensitive nature.**

Again, there are no questions or information of a sensitive nature or data that would normally be considered private matters contained in this final rule.

12. **Estimate of burden hours for information collected.**

Note: Even though the rule applies to all railroads on the general system of transportation, there is only one railroad, Norfolk Southern (NS), that presently uses camp cars. Thus, the respondent universe is one (1) railroad. Also, based on the current agency data, NS operates approximately 292 camp cars.

The estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Office of Railroad Infrastructure and Mechanical Equipment.

FRA is including the dollar equivalent cost for each of the itemized hours below using STB's Full-Year Wage A&B data series as the basis for each cost calculation. For professional and administrative staff, the hourly wage rate is \$77 per hour ($\$44.27 * 1.75$

¹ 85 FR 65899.

= \$77). For maintenance of way & structures staff, the hourly wage is \$59 (\$33.57 *1.75).

Potable water (§ 228.323)

(b)(4) Water hydrants. Each water hydrant, hose, or nozzle used for supplying potable water to a camp car water system shall be inspected prior to use. Each such hose or nozzle used shall be cleaned and sanitized as part of the inspection. A signed, dated record of this inspection shall be kept within the camp for the period of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

The estimated 292 camp cars are broken down into large, medium, and small groups. Most cars are medium size groups and, thus, there are approximately 37 camps that are set up and broken down for 10 months each year. Each camp car group moves approximately 20 times each year. FRA estimates, then, that approximately 740 connections per year will be made, and 740 water hydrants, hoses, and nozzles used for supplying potable water to a camp car water system will be inspected, and a signed and dated record will be made under the above requirement. It is estimated that it will take two minutes complete the required record.

Respondent Universe:	1 railroad
Burden time per response:	2 minutes
Frequency of Response:	On occasion
Annual number of Responses:	740 records
Annual Burden:	25 hours
Annual Cost:	\$1,475 (\$59 x 25 hours)

Calculation: 740 records x 2 min. = 25 hours

Additionally, FRA estimates that approximately 740 record copies will be made when the connection is terminated and will be kept in a centralized location as specified under the above requirement. It is estimated that it will take approximately 10 seconds to make and store each record copy.

Respondent Universe:	1 railroad
Burden time per response:	10 seconds
Frequency of Response:	On occasion
Annual number of Responses:	740 record copies
Annual Burden:	2 hours
Annual Cost:	\$118 (\$59 x 2 hours)

Calculation: 740 record copies x 10 seconds = 2 hours

(b)(6) Certification. Each time that potable water is drawn from a different local source, the railroad shall obtain a certificate from a State or local health authority indicating that the water from this source is of a quality not less than that prescribed in the National Primary Drinking Water Regulations promulgated by the EPA or obtain such a certificate by a certified laboratory following testing for compliance with those standards. The current certification shall be kept within the camp for the duration of the connection. When the connection is terminated, a copy of each of these records must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

As estimated previously, there are approximately 740 connections made each year relating to potable water. Approximately 90% of the time, NS will be hooking into a municipal water supply. Therefore, approximately 666 connections will require NS to contact the water supplier to obtain proper certification of EPA compliance. Thus, FRA estimates that NS will obtain approximately 666 certificates each year under the above requirement. It is estimated that contacting the water supplier and copying the certification will take approximately 1 hour.

Respondent Universe:	1 railroad
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	666 certificates
Annual Burden:	666 hours
Annual Cost:	\$51,282 (\$77 x 666 hours)

Calculation: 666 certificates x 1 hour = 666 hours

Approximately 10% of the time, NS will be unable to acquire the certification from the water supplier. Therefore, 74 connections will require additional testing. In these cases, they must send a sample to a lab for testing, then post the certification on-site. It is estimated that it will take approximately 20 minutes to complete/send the required sample and paperwork and to post the certificate once received from the laboratory.

Respondent Universe:	1 railroad
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	74 certificates
Annual Burden:	25 hours
Annual Cost:	\$1,925 (\$77 x 25 hours)

Calculation: 74 certificates x 20 minutes = 25 hours

Additionally, FRA estimates that approximately 740 certification copies will be made and kept in a centralized location when the connection is terminated, as specified under the above requirement. It is estimated that it will take approximately 10 seconds to make and store each certification copy.

Respondent Universe:	1 railroad
Burden time per response:	10 seconds
Frequency of Response:	On occasion
Annual number of Responses:	740 certification copies
Annual Burden:	2 hours
Annual Cost:	\$118 (\$59 x 2 hours)

Calculation: 740 certification copies x 10 seconds = 2 hours

E. Flushing. Each potable water system shall be drained and flushed with a disinfecting solution at least once every 120 days. The railroad shall maintain a record of the draining and flushing of each separate system within the camp for the last two drain and flush cycles. The record shall contain the date of the work and the name(s) of the individual(s) performing the work. The original record shall be maintained with the camp. A copy of each of these records shall be sent to a centralized location for the railroad and maintained for one year.

As previously mentioned, NS operates approximately 37 camp car groups. FRA estimates all of these groups will be needed to be drained and flushed with a disinfecting solution three times a year (every 120 days), or a total of 111 times per year, and a record kept, as specified under the above requirement. It is estimated that it will take approximately 30 minutes to complete the record associated with draining and flushing each potable water system.

Respondent Universe:	1 railroad
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	111 potable water systems cleansing (i.e., draining and flushing) records
Annual Burden:	56 hours
Annual Cost:	\$3,304 (\$59 x 56 hours)

Calculation: 111 potable water system cleansing records x 30 minutes = 56 hours

(c)(6) Reports. All laboratory reports pertaining to the water system of the camp car shall be maintained with the car. Within 15 days of the receipt of such a laboratory report, a

copy of the report shall be posted for a minimum of 10 calendar days at a conspicuous location within the camp car or cars affected for review by occupants. The report shall be maintained in the camp for the duration of the same connection. When the connection is terminated, the certification must be submitted promptly to a centralized location for the railroad and maintained for one year from the date the connection was terminated.

FRA estimates that approximately 10 laboratory report copies will be completed under the above requirement. It is estimated that it will take approximately two (2) minutes to complete each laboratory report copy.

Respondent Universe:	1 railroad
Burden time per response:	2 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 laboratory report copies
Annual Burden:	.33 hour
Annual Cost:	\$22 (\$59 x .33 hours)

Calculation: 10 laboratory report copies x 2 minutes = .33 hour

(d) Signage. For any water outlet/faucet within the camp car facility that supplies water not from a potable source or that is from a potable source but supplied through a system that is not maintained as required in § 228.323, the outlet/faucet must be labeled with a sign visible to the user and bearing a message to the following effect: “The water is not suitable for human consumption. Do not drink the water.”_

All water outlets/faucets in lavatories and showers must provide potable water. However, there *may* be a location somewhere in the camp where a faucet or hydrant provides water that has not been certified as potable. FRA estimates that approximately 1 faucet/hydrant per camp location will need a non-potable-water sign. FRA estimates that approximately 37 signs will be purchased, so that each camp car group has a sign available for use. It is estimated that it will take approximately 2.5 minutes to place each sign in the appropriate area.

Respondent Universe:	1 railroad
Burden time per response:	2.5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	740 sign placements
Annual Burden:	31 hours
Annual Cost:	\$1,817 (\$59 x 31 hours)

Calculation: 740 sign placements x 2.5 minutes = 31 hours

Total annual burden for this requirement is 807 hours (25 + 2 + 666 + 25 + 2 + 56 + 31).

First aid and life safety (§ 228.331)

(d) Modified Emergency Preparedness Plan. A revised or modified plan will need to be completed each time one of the 37 camp car groups is broken down and reassembled. The revised plan will include updated information about the nearest emergency medical facility. This process occurs approximately 20 times per year. Thus, Norfolk Southern Railroad will prepare approximately 740 modified emergency preparedness plans (37 x 20) under the above requirement. It is estimated that it will take approximately 15 minutes to complete the modified plan. A copy of each revised plan will be necessary for each camp car at each new location. Therefore, 1,560 emergency plan copies will be required. It will take approximately three seconds to make a copy of the plan and prominently display it in each of the camp cars.

Respondent Universe:	1 railroad
Burden time per response:	15 minutes + 3 seconds
Frequency of Response:	On occasion
Annual number of Responses:	740 modified plans + 1,560 plan copies
Annual Burden:	186 hours
Annual Cost:	\$14,322 (\$77 x 186 hours)

Calculation: 740 modified emergency preparedness plans x 15 minutes + 1,560 plan copies x 3 seconds = 186 hours

Total annual burden for this requirement is 186 hours.

Remedial action (§ 228.333)

A railroad shall, within 24 hours after receiving a good faith notice from a camp car occupant or an employee labor organization representing camp car occupants or notice from the Federal Railroad Administration of noncompliance with this Subpart, correct each non-complying condition on the camp car or cease use of the camp car as sleeping quarters for each occupant. In the event that such a condition affects the safety or health of an occupant, such as, but not limited to, water, cooling, heating, or eating facilities, sanitation issues related to food storage, food handling or sewage disposal, vermin or pest infestation, or electrical hazards, the railroad must immediately upon notice provide alternative arrangements for housing and for providing food to the employee or MOW worker until the condition adverse to the safety or health of the occupant(s) is corrected.

FRA estimates that approximately 4 good faith notices will be made each year under the

above requirement. FRA also estimates that it will take approximately 15 minutes to complete each notice.

Respondent Universe:	1 railroad
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	4 good faith notices
Annual Burden:	1 hour
Annual Cost:	\$59 (\$59 x 1 hour)

Calculation: 4 good faith notices x 15 minutes = 1 hour

Electronic Recordkeeping (§ 228.335)

(b) Records required to be kept shall be made available to the Federal Railroad Administration as provided by 49 U.S.C. 20107.

The burden for this requirement is already included under that of § 228.323 above. Consequently, there is no additional burden associated with this requirement.

Total annual burden for this entire information collection is 994 hours.

13. Estimate of total annual costs to respondents.

NS will incur additional costs due to three of the requirements in this submission. For areas where there may be a non-potable faucet in the area of a camp car group, NS will be required to purchase a sign that cautions users about the danger of drinking non-potable water. FRA estimates that NS will spend \$7 for a 7"x10" sign. One sign will be needed for each of the 37 camp car groups. Therefore, this requirement will cost approximately \$259.

The second requirement that will burden NS with a new cost is laboratory testing, when the certification of potable water cannot be obtained from the supplier. Each laboratory test will cost approximately \$200. FRA estimates that approximately 74 lab tests will be required per year. Therefore, the annual burden to NS for laboratory testing is approximately \$14,800.

The third requirement pertains to costs relating to the copying of documents. FRA estimates these costs as follows:

- Section 228.323B – 740 inspection record copies – 1 page per record @ 10 cents per page = \$74

- Section 228.323D – 740 certification copies – 1 page per certification @ 10 cents per page = \$74
- Section 228.331 – 1,560 emergency plan copies – 1 page per plan @ 10 cents per page = \$156

TOTAL RESPONDENT COST = \$15,363 (\$259 + \$14,800 + \$74 + \$74 + \$156)

14. Estimate of Cost to Federal Government.

There are no additional costs to the Federal Government relating to this collection of information as FRA inspectors accomplish the necessary tasks as part of their routine duties.

15. Explanation of program changes and adjustments.

The current inventory exhibits a total burden of 1,043 hours while that of this requesting notice is 994 hours. FRA determined some of the estimates were not derived from PRA requirements, thus leading to the increased figures in the current inventory, which were decreased accordingly in this notice. The decrease in burden is solely the result of adjustments as show in the below table.

CFR Sections	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	Burden Hours (This Submission)	Difference (plus/minus)	Section analyses and estimates
228.323(b)(4)—Water Hydrant/Hoses/Nozzle Inspections	740 inspections 3 minutes	0	37 hours	0	- 37 hours - 740 responses	<i>An inspection is a regulatory requirement and should not have been included in the PRA burden. However, FRA recognizes recordkeeping which has been listed under question 12.</i>
—Training—For Individuals to Fill Potable Water Systems	5 trained employees 15 minutes	0	1 hour	0	- 1 hour - 5 responses	<i>Based on FRA’s interpretation of the PRA’s implementing regulations, specifically the definition of “information” within 5 C.F.R. § 1320.3(h), FRA considers training/testing to be an excepted category of information under the PRA.</i>
—(c)(4)(iv) Occupant report of taste problem	1,130 petition copies	0	283 hours	0	- 283 hours - 1,130	<i>FRA estimates that zero taste reports will be received. Consequently, there</i>

	15 minutes				responses	<i>is no burden associated with the above requirement.</i>
—Draining/Flushing and Record When Taste Report	150 statements 8 hours	0	1,200 hours	0	- 1,200 hours - 150 responses	<i>FRA estimates that zero taste report copies will be received. Consequently, there is no burden associated with the above requirement.</i>
—(c)(5) Reported problems—Samples of water or dispensing location to be collected and sent to a laboratory approved by the EPA for testing	75 comments 10 hours	0	750 hours	0	- 750 hours - 75 responses	<i>Based on FRA’s interpretation of the PRA’s implementing regulations, specifically the definition of “information” within 5 C.F.R. § 1320.3(h), FRA considers training/testing to be an excepted category of information under the PRA.</i>
228.331(d)—Modified Emergency Preparedness Plan copies	5,840 plan copies 3 seconds	1,560 plan copies 3 seconds	5 hours	1 hour	- 4 hours - 4 responses	<i>The reduction is due to review of estimated number of submissions expected to be received.</i>
228.333—Remedial action—A good faith notice of needed repair	30 reports 10 seconds	4 good faith notices 15 minutes	0.083 hours	1 hour	+ .92 hours -26 responses	<i>The reduction in good faith notices from 30 to 4 is due to NS Camp Car Gangs moving to hotels instead of using the rail camps. Additionally, the amount of time it takes to draft a good faith notice has increased from 10 seconds to 15 minutes because it takes time to setup a repair of a car or exterminator.</i>

The cost to respondents changed slightly from \$15,791 to \$15,363.

16. Publication of results of data collection.

There are no plans for publication of this submission. Primarily, the information is used by specialists of the Office of Safety, as well as field personnel, to enforce the regulation.

17. Approval for not displaying the expiration date for OMB approval.

Once OMB approval is received, FRA will publish the approval number for these information collection requirements in the *Federal Register*.

18. Exception to certification statement.

No exceptions are taken at this time.