

Federal Railroad Administration

[FRA Docket Number HS-95-14]

**Petition for Waiver of Compliance
Association of American Railroads**

In accordance with title 49 CFR 211.9 and 211.41, notice is hereby given that the Association of American Railroads (AAR), trade association of railroads, has petitioned the Federal Railroad Administration (FRA), on behalf of its members and other interested railroads, for exemption from or waiver of compliance with a requirement of its safety standards. The petition is described below, including the regulatory provisions involved, and the nature of the relief being requested.

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 of their request.

All communications concerning these proceedings should identify the appropriate waiver petition docket number (e.g., Waiver Petition Docket Number HS-95-14) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Communications received within 45 days of the date of publication 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. to 5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The AAR, acting as a representative for its association members requests a master waiver of compliance with certain provisions of FRA Safety Regulations (Hours of Service of Railroad Employees). The master waiver requested seeks relief from Title 49 Code of Federal Regulations (CFR) Part 228.9(a)(1) for railroads utilizing a computerized system of recording hours of duty data. Part 228.9(a)(1) requires that records maintained under Part 228 be signed by the employee whose time is being recorded, or in the case of train and engine crews, signed by the ranking crew member.

The AAR is proposing that railroads seeking to establish a computerized system of recording hours of duty information apply to FRA for approval under the master waiver. Applications should specify the covered service function (train/engine/yard, dispatcher/operator and/or signal) for which signature relief is requested.

When accessing the computer for input of the hours of duty record, required by Part 228.11, the AAR proposes that a secure password or personal identification number "pin" will be utilized and will not appear on the computer screen when the employee enters his or her password or "pin." The password or "pin" is proposed to satisfy the signature requirements of Part 228.9(a)(1). The AAR maintains the master waiver will reduce the burden of individual waivers on each railroad seeking similar technological advances to modernize recordkeeping. After adequate testing and compliance verified, a railroad making request for inclusion under the master waiver may be granted relief from the signature provisions of Part 228.9.

FRA's basic criteria for an electronic "signatureless" hours of duty recordkeeping system, established under a prior waiver application, is as follows. For purposes of inspection and printing, the electronically displayed record of any proposed computerized hours of duty recordkeeping system should be: (1) Crew based, by train or job symbol, and (2) duty tour oriented. The record should include all covered and commingled service within a duty tour. The system must also meet the following three general requirements.

1. Security. The integrity of the program and data base must be protected by a security system that restricts access to data input and protects against any alteration of the original record after entry. The security system should utilize an employee identification and secure password technique or a comparable method that establishes levels of program access.

2. Audit Trail. The program must include the capability to uniquely identify the inputting individual. Since one record may have more than one inputter, the program must be able to "split" the base record into component records that identify data entered by specific individuals. In addition, the program must be accessible through various railroad field locations and remote non-railroad locations. The latter may be accomplished through the use of a modem connection between the railroad and FRA.

3. Program Logic. The program must satisfy the requirements of 49 CFR Part

228.11. The program must address all possible reporting events required in Part 228.11 consistent with FRA's application of the Federal hours of service law.

During the waiver review process, if the railroad wishes to test "signatureless" hours of duty recordkeeping, the railroad must maintain a parallel system utilizing signed "hard copies" in addition to the electronic data being tested. The railroad should develop an electronic data base sufficient to facilitate a field review by FRA. The railroad may elect to implement electronic recordkeeping along function, division or craft boundaries. Therefore, the data offered for FRA review should include all covered service within the parameters of the requested relief.

Instructional guides, based on covered service functions, are available by direct contact (Dan Norris 202 366-0503) or mailing request to the Federal Railroad Administration, Operating Practice Division—RRS11, 400 Seventh Street, SW., Washington, DC 20590 ATTN: Dan Norris.

Issued in Washington, DC on April 29, 1996.

Phil Olekszyk,

Deputy Association Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96-10964 Filed 5-2-96; 8:45 am]

BILLING CODE 4910-06-M

Surface Transportation Board

[Ex Parte No. MC-198 (Sub-No. 1)]

**Policy Statement on Motor Contract
Requirements Under the Negotiated
Rates Act of 1993**

AGENCY: Surface Transportation Board (Board),¹ DOT.

ACTION: Termination of Proceeding.

SUMMARY: The Board is terminating this proceeding in which the Interstate Commerce Commission (ICC) had solicited comment on its policy statement explaining and interpreting statutory requirements governing the form and minimum content requirements for transportation agreements executed by motor contract carriers.

DATES: This action is made on May 3, 1996.

FOR FURTHER INFORMATION CONTACT: Michael L. Martin, (202) 927-6033;

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions and proceedings to the Board.

[TDD for the hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: In a Policy Statement served February 28, 1994 [10 I.C.C.2d 53], and published at 59 FR 10166 (March 3, 1994), the ICC explained and interpreted statutory requirements governing the form and minimum content requirements for transportation agreements executed by motor contract carriers.² The notice provided for public comment.

However, the ICCTA repealed and did not reenact section 6 of the NRA. Because the statutory provision that precipitated the policy statement has been repealed and not reenacted, we are terminating this proceeding pursuant to the provisions of section 204(b)(3) of the ICCTA,³ and we are vacating the prior

² Those statutory requirements were adopted in section 6 of the Negotiated Rates Act of 1993 (Pub. L. No. 103-180) (NRA).

³ Section 204(b)(3) of the ICCTA provides that, "in the case of a proceeding under a provision of law repeal[ed], and not reenacted, by this Act such proceeding shall be terminated."

policy statement pursuant to the provisions of section 204(a) of that Act.⁴

Authority: 49 U.S.C. 721(a); Sections 204(a) and 204(b)(3) of the ICC Termination Act of 1995, Pub. L. No. 104-88.

Decided: April 17, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96-11088 Filed 5-2-96; 8:45 am]

BILLING CODE 4915-00-P

UNITED STATES INSTITUTE OF PEACE

Sunshine Act Meeting

AGENCY: United States Institute of Peace.

DATE/TIME: Thursday-Saturday, May 16-18, 1996.

⁴ Section 204(a) of the ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act."

LOCATION: Airlie Conference Center, Airlie, Virginia.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98-525.

AGENDA: May Board Meeting and Annual Board/Senior Staff Program Review; Approval of Minutes of the Seventy-fifth Meeting of the Board of Directors; Chairman's Report; President's Report; Committee Reports; Approval of Solicited Grants; Selection of 1996-1997 Peace Scholars and Senior Fellows; Selection of 1996 National Essay Contest Winners; Other General Issues.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457-1700.

Dated: May 1, 1996.

Charles E. Nelson,

*Vice President for Management and Finance,
United States Institute of Peace.*

[FR Doc. 96-11178 Filed 5-1-96; 1:19 pm]

BILLING CODE 6820-AR-M