

dB(A) and greater contour; County Airport Administration to provide an airport noise impact boundary identification as means to monitor new land use proposals and ensure the [Airport Land Use Plan] ALUP is enforced; Encourage pilots to "Fly Friendly"; Encourage flight training schools to train pilots to "Fly Friendly"; Continually publicize RHV complaint Hotline; Install noise monitors in the RHV environs to measure and compare unusual or high level noise aircraft events with voice recorder system; Install a radar collection system to match aircraft noise events to radar tracks; Establish an Airport/Airport user/Community Noise committee after noise monitor and radar collection system are in place to discuss issues on a quarterly basis; Create a position at RHV to focus on noise abatement and compliance programs and to investigate noise complaints; Update the RHV Part 150 Study NEM and NCP within five years of FAA Approval; Update and distribute the pilot noise handout with the FAA approved noise abatement measures; Revise the noise abatement signs to reflect the FAA Approved noise abatement measures; Maintain information about RHV's noise abatement program on the County's Web site.

The FAA has approved in part and disapproved in part, the following two land use management elements for the purposes of FAR Part 150: A County purchase assurance program that guarantees to noise-impacted property owners the County would provide opportunities for noise sensitive residences to relocate while maintaining the stability of the neighborhood; and Implement public land use development criteria to provide policy guidance for development of public uses within the 2002 CNEL 60dB(A) and greater contours. The FAA has approved in part for study and disapproved in part for construction, pending submission of additional information to demonstrate a noise benefit, one land use management element. The partial approval is limited to evaluation of study information of the noise benefit of the construction of sound buffers/barriers to provide noise level reduction for residential areas immediately adjacent to Reid-Hillview Airport.

The FAA disapproved 9 of the specific program measures for the purposes of Part 150. The disapproved measures included such items as: Voluntary limitation on aircraft departures to specific times; Voluntary limitation on aircraft touch-and-go operations to specific days and times; Prohibit intersection departures; Restrict

Jet Operations to FAR Part 36 Stage 3 jets; Prohibit formation arrivals and departures; Prohibit simulated emergencies; Prohibit low-level fly-bys except for emergency requirements; Encourage pilots to modify aircraft to decrease noise emissions; Soundproofing existing single-family development within the 2002 CNEL 60-65 dB(A) contour area.

The FAA has taken no action on one noise abatement measure for the purposes of Part 150: Revise flight track for aircraft departing Runway 31R (modify the Quiet One departure flight track) measure. The measure relates to flight procedures under 49 U.S.C. 47504(b) and will require additional documentation to make a determination. Additional analysis and communication between the airport operator, the FAA Western-Pacific Air Traffic Division, and the local Airport Traffic Control Tower management is required.

These determinations are set forth in detail in the Record of Approval signed by the Associate Administrator for Airports on November 3, 2004. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Santa Clara County. The Record of Approval also will be available on-line at: <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Hawthorne, California on December 8, 2004.

**Mia Paredes Ratcliff,**

*Acting Manager, Airports Division, Western-Pacific Region, AWP-600.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

### New York Airbrake Corporation [Waiver Petition Docket Number FRA-2000-7367]

The New York Air Brake Corporation (NYAB) seeks modification of the existing waiver FRA-2000-7367 (formerly H-95-3) to include its new CCB-26 electronic airbrake system. The existing waiver, which was first granted on September 13, 1996, extended the interval for cleaning, repairing, and testing pneumatic components of the NYAB Computer Controlled Brake (CCB, now referred to as CCB-I) locomotive air brake system under 49 CFR 229.27(a)(2) and 49 CFR 229.29(a) from 736 days to 5 years. This waiver was modified to include NYAB's CCB-II electronic air brake system on August 20, 1998. Based on successful performance of the two NYAB electronic air brake systems under the conditions of the 1996 and 1998 waivers, the waiver was extended for another five years on September 10, 2001 and the conditions of the waiver were modified on September 22, 2003.

NYAB describes the new CCB-26 electronic air brake system as an adaptation of the CCB-II system designed to be used on locomotives without integrated cab electronics. It uses many of the same sub-assemblies of pneumatic valves, electronic controls and software (referred to as line replaceable units or LRUs) as the CCB-II. Some changes have been made to simplify the system while maintaining or increasing the level of safety. For example, the penalty brake interface has been changed to mimic the 26L system interface, allowing for a fully pneumatic penalty brake application. Also, the brake cylinder pilot pressure development has been simplified from an electronic control to a fully pneumatic version based on proven components.

Much of the software and diagnostic logic which detects critical failures and takes appropriate action to effect a safe stop has been carried over from CCB-II. Overall, NYAB characterizes the CCB-26 as being more similar to CCB-II than CCB-II is to CCB-I. As a final check on the performance of the CCB-26 system, it will be included in existing NYAB failure monitoring and recording systems as required by the already effective waiver.

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 for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2000-7367) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date 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.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on December 13, 2004.

**Grady C. Cothen, Jr.,**

*Acting Associate Administrator for Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### Canadian National Railway [Waiver Petition Docket Number FRA-2004-19512]

The Canadian National Railway (CN) seeks a waiver of compliance from certain provisions of 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment*. Specifically, CN wants relief from the requirements of § 232.215, Transfer Train Brake Tests, for train movements to and from their yard at Flat Rock, Michigan, to the Ford Motor Company's Woodhaven Stamping Plant (Fordhaven) in Woodhaven, Michigan.

The transfer of cars from the Flat Rock Yard to Fordhaven is a maximum distance of 3.32 miles. The return movement is a maximum distance of 1.27 miles. Each day, there are typically two transfer moves from the Flat Rock Yard to Fordhaven and two return moves. The average train consist of 35 to 40 hi-cube boxcars. Cars going to Fordhaven contain empty parts racks, approx. 56 tons per car. Cars leaving Fordhaven contain loads of automotive body parts, approx. 73 to 96 tons per car. This transfer movement travels over one public grade crossing at Van Horn Road. CN states that rail traffic movements across this roadway is moderate and often includes switching movements without trainline air.

CN contends that they have been making these transfer movements at this location without any air brake tests for the past 37 years, based on their belief that there was already an existing waiver in place granting them the authority to make such a move. However, CN has not been able to secure any documentation to support such a waiver exists. CN is only aware of only two occasions where FRA issued citations for failure to perform an air brake test for these transfer moves, one in 1982 and again in 2004.

CN states that this waiver is necessary to ensure the ability to provide timely service to the Ford Motor Company, so that production at the plant is not shut down.

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 for their request.

All communications concerning these proceedings should identify the

appropriate docket number (e.g., Waiver Petition Docket Number FRA-2004-19512) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date 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.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on December 13, 2004.

**Grady C. Cothen, Jr.,**

*Acting Associate Administrator for Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

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#### Union Railroad Company [Docket Number FRA-2004-19260]

The Union Railroad (URR), a Class III switching railroad, seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) 223.13 *Requirements for existing cabooses* for nine cabooses to be used in revenue freight service. The URR is