

Issued on: October 11, 2006.

**John H. Hill,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has 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.

#### BNSF Railway Company

*Waiver Petition Docket Number FRA-2006-25894*

Part 213 of Title 49 at § 213.113(a) states, in part “\* \* \* when an owner of track learns, through inspection or otherwise, that a rail in track contains any of the defects listed \* \* \*, operation over the defective rail is not permitted until (1) The rail is replaced; or (2) The remedial action prescribed \* \* \* is initiated.” Based on the forgoing, when a rail flaw detector operator picks an ultrasonic indication for hand test verification, that indication must be considered a defect and remedial action taken until hand test determines it is not a defect. BNSF Railway Company (BNSF) believes post-test processing of detected rail-flaw data has potential to increase rail test productivity and therefore improve safety by increasing frequency of testing.

BNSF is proposing a delayed-verification pilot program to demonstrate feasibility and benefits of nonstop rail flaw test with delayed verification. BNSF proposes a delayed-verification pilot program to demonstrate feasibility and benefits of nonstop testing with delayed verification on its Barstow, Aurora, and St. Croix subdivisions. The elements of BNSF's program pilot program are:

- If million gross tons of traffic since last rail test is greater than 10, all indications of possible defects will be verified immediately.
- Indications of possible transverse defects estimated to be greater than 25 percent will be verified immediately.

- Indications of possible longitudinal defects estimated to be greater than 2 inches will be verified immediately.

- Indications of possible bolt hole cracks estimated to be greater than 1 inch in joint bars, and any indications of possible bolt hole cracks not within joint bars, will be verified immediately.
- Indications not requiring immediate verification will be verified within 48 hours.

Since FRA has not yet completed its investigation of BNSF's petition, the agency takes no position at this time on the merits of BNSF's stated justifications.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2006-25894) 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, October 11, 2006.

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

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E6-17165 Filed 10-16-06; 8:45 am]

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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.

#### Pioneer Valley Railroad (PVRR)

*Waiver Petition Docket Number FRA-2000-7094*

The Pioneer Valley Railroad (PVRR) has petitioned for a continued waiver of compliance for train employees from the requirements of 49 U.S.C. 21103(a), the Federal hours of service law (HSL). This provision requires the railroad to neither require nor allow train employees to begin or remain on duty in excess of 12 hours in a 24-hour period without receiving the appropriate 8 or 10-hour statutory off-duty period. However, the HSL contains an exemption (49 U.S.C. 21102(b)) permitting a railroad, that employs not more than 15 employees subject to the statute to seek an exemption from the 12-hour limitation. PVRR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if continued, would help its operation if unusual operating conditions are encountered.

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 2000-7094) 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 October 11, 2006.

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

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. E6-17164 Filed 10-16-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

#### Docket Number FRA-2006-25847

*Applicants:* CSX Transportation, Incorporated, Mr. C. M. King, Chief Engineer, Communications and Signals, 500 Water Street, SC J-350, Jacksonville, Florida 32202. Norfolk Southern Corporation, R.J. Rumsey, Assistant Vice President, C&S, 99 Spring Street, SW, Atlanta, Georgia 30303.

CSX Transportation, Incorporated (CSXT) and Norfolk Southern Corporation (NS), jointly seek approval of the proposed modification of the signal system, at Stanley Tower Interlocking, milepost CTT-19.50, near Toledo, Ohio, on CSXT's Chicago Division, Toledo Terminal Subdivision. The proposed changes consist of the conversion of power-operated switches, numbers 7 and 8 to hand operation, and the discontinuance and removal of controlled signals, numbers 3, 5, 6, and 11. The proposed changes are associated with a major track and signal rationalization plan at Stanley Tower,

and the moving of future control of the facility to the CSXT Operations Center, located in Jacksonville, Florida.

The reason given for the proposed changes is that under the proposed rationalization plan, the power-operated switches will not be required. Trains approaching from the north will operate at a slow speed through Stanley Interlocking.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the addresses listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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>.

FRA wishes to inform all potential commenters that 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) or you may visit <http://dms.dot.gov>. FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on October 11, 2006.

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

*Deputy Associate Administrator for Safety, Standards and Program Development.*

[FR Doc. E6-17166 Filed 10-16-06; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 665]

### Rail Transportation of Grain

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of public hearing.

**SUMMARY:** The Surface Transportation Board will hold a public hearing beginning at 10 a.m. on Thursday, November 2, 2006, at its offices in Washington, DC. The purpose of the public hearing will be to examine issues related to the transportation of grain by rail. Persons wishing to speak at the hearing should notify the Board in writing.

**DATES:** The public hearing will take place on Thursday November 2, 2006. Any person wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should identify the party, the proposed speaker, the time requested, and the topic(s) to be covered, as soon as possible but no later than October 23, 2006. Each speaker should also file with the Board his/her written testimony by October 30, 2006. Written submissions by interested persons who do not wish to appear at the hearing will also be due by October 30, 2006.

**ADDRESSES:** All notices of intent to participate and testimony may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should comply with the Board's [www.stb.dot.gov](http://www.stb.dot.gov) Web site, at the "E-Filing" link. Any person submitting a filing in the traditional paper format should send an original and 10 copies of the filing to: Surface Transportation Board, Attn: STB Ex Parte No. 665, 1925 K Street, NW., Washington, DC 20423-0001.

#### FOR FURTHER INFORMATION, CONTACT:

Joseph H. Dettmar, (202) 565-1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** On October 6, 2006, the United States Government Accountability Office (GAO) released a report that included observations on rates, competition, and capacity issues in the American rail freight industry. GAO reported that the changes that have occurred in the rail industry since the Staggers Rail Act of 1980 are widely viewed as positive. The financial health of the industry has improved substantially as railroads have cut costs and boosted productivity. GAO