

altitude allowable after engine rotorburst.

[FR Doc. 05-751 Filed 1-12-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2005-06]

#### Petitions for Exemption; Summary of Petitions Received

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before February 2, 2005.

**ADDRESSES:** You may submit comments identified by DOT DMS Docket Number FAA-2004-19090 by any of the following methods:

- *Web Site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 1-202-493-2251.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** John Linsenmeyer (202) 267-5174 or Susan

Lender (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on January 7, 2005.

**Anthony F. Fazio,**

*Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA-2004-19090.

*Petitioner:* 4/Flight Industries.

*Sections of 14 CFR Affected:* 14 CFR 21.325(b)(3) and 21.601(c).

*Description of Relief Sought:* To allow the petitioner to issue export airworthiness approvals for their product manufactured and located at their facility in Montreal, Canada. The exemption would also permit issuance of Technical Standard Order (TSO) authorizations for products manufactured at facilities located outside the United States.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee Meeting on Rotorcraft Issues

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a public meeting of the FAA's Aviation Rulemaking Advisory Committee to discuss rotorcraft issues.

**DATES:** The meeting will be held on February 7, 2005, 10:15 a.m. to 12:15 p.m. P.s.t.

**ADDRESSES:** The meeting will be held at the Anaheim Convention Center, Room 207-B, 800 West Katella Avenue, Anaheim, CA 92802, phone (714) 765-8950.

#### FOR FURTHER INFORMATION CONTACT:

Angela Anderson, Office of Rulemaking, ARM-200, FAA, 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267-9681.

**SUPPLEMENTARY INFORMATION:** The referenced meeting is announced pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II).

*The agenda will include:*

a. Discussion and approval of the Fatigue Tolerance Evaluation of Metallic Structures proposed Regulatory and Advisory Circular material package.

b. Working Group Status Report: Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structure.

c. FAA Status Report: Performance and Handling Qualities Requirements Notice of Proposed Rulemaking. Attendance is open to the public but will be limited to the space available. The public must make arrangements to present oral statements at the meeting. Written statements may be presented to the committee at any time by providing 16 copies to the Assistant Chair or by providing the copies at the meeting.

Approximately thirty days after the meeting, minutes will be available on the FAA Web site at <http://www.faa.gov/avr/arm/arac/calendarxml.cfm?nav=6>.

If you are in need of assistance or require a reasonable accommodation for the meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation, as well as a listening device, can be made available at the meeting if requested 10 calendar days before the meeting. You may make arrangements by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

If you are unable to attend the meeting, you can access it by telephoning 817-222-4871, pass code 5359#.

Issued in Washington, DC, on January 7, 2004.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 05-658 Filed 1-12-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2003-15015]

#### Policy on Availability of Information From the Commercial Driver's License Information System

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of policy.

**SUMMARY:** As required by the Transportation Equity Act for the 21st Century (TEA-21), this document informs the public of FMCSA's policy regarding access to information in the Commercial Driver's License Information System (CDLIS) by other Federal agencies.

**EFFECTIVE DATE:** This policy is effective January 13, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Carol Gore, (202) 366-4013, Office of Safety Programs, Federal Motor Carrier Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Section 12007(e) of the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Pub. L. 99-570) specified four entities authorized to access information from CDLIS. These entities were the Secretary of Transportation, the States, an employer or prospective employer of a person who operates a commercial motor vehicle (CMV), and a person who operates a CMV for an employer that owns or leases a CMV or assigns employees to operate a CMV (49 U.S.C. § 31309(e)). This provision remained in effect until Congress passed TEA-21 (Pub. L. 105-85) and revised the access provision through sections 4004(a) and 4011(d) (5) (codified at 49 U.S.C. 31106(e) and 31309(c), respectively). Sections 4004(a) and 4011(d)(5) of TEA-21 expanded CDLIS access by requiring the Secretary of Transportation to develop a policy on making information available from CDLIS. The policy must conform to existing Federal information laws and regulations.

**Privacy Act Applicability**

The Privacy Act of 1974 (Pub. L. 93-579, as amended) regulates Federal information system practices regarding the collection, maintenance, dissemination and use of records by Federal executive branch agencies. CDLIS is not a Federal "system of records," as defined by the Privacy Act because the records in CDLIS are not controlled by FMCSA. Federal agencies obtaining access to CDLIS records may be subject to the Privacy Act, if they establish a system of records with the information obtained from CDLIS. Such agencies may also need to provide a process for review and correction of those records.

**Availability of Information From CDLIS**

Section 12007(c) of the CMVSA directed the Secretary to establish an information system, now known as CDLIS, to exchange commercial driver licensing information among all the States. CDLIS includes the databases of fifty-one licensing jurisdictions and the CDLIS Central Site, all connected by a telecommunications network.

The CDL program was designed based on these fundamental principles—that no person who operates a commercial motor vehicle shall at any time have more than one driver's license, that one license shall contain that person's complete driving record, and that the

licensing State shall be notified of any convictions of violations of any motor vehicle control laws in any other State. CDLIS supports these principles by providing the Central Site, the telecommunications network, and the operating protocols States need to exchange commercial license, conviction and safety information on individual CDL drivers. Drivers who wish to review and, if necessary, correct information about them in CDLIS must contact the State agency that issued their license.

**FMCSA Policy on Availability of Information From CDLIS**

It is FMCSA's policy that another Federal agency may request access to information in CDLIS by written submission to FMCSA's Chief Safety Officer. In the request, the applicant must state the legal basis and the need for access to CDLIS. A Federal agency will be required to execute a Memorandum of Understanding (MOU) with the Department of Transportation and/or FMCSA before access to CDLIS data will be provided.

Issued on: January 7, 2005.

**Annette M. Sandberg,**  
*Administrator.*

[FR Doc. 05-669 Filed 1-12-05; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Safety Advisory 2005-01; Position of Switches in Non-Signaled Territory**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of safety advisory.

**SUMMARY:** FRA is issuing Safety Advisory 2005-01 to advise all railroads to review their operating rules and take certain other action necessary to ensure that train crews who operate manual (hand-operated) main track switches in non-signaled territory restore the switches to their normal position after use. FRA intends this advisory to reduce the risk of serious injury or death both to railroad employees and the general public due to not restoring such switches to their normal position after use.

**FOR FURTHER INFORMATION CONTACT:** Douglas H. Taylor, Staff Director, Operating Practices Division, Office of Safety Assurance and Compliance, FRA, 1120 Vermont Avenue, NW., RRS-11,

Mail Stop 25, Washington, DC 20590 (telephone (202) 493-6255).

**SUPPLEMENTARY INFORMATION:****Factual Background**

A review of FRA's accident/incident data shows that, overall, the safety of rail transportation continues to improve. However, FRA has particular concern that recent accidents on Class I railroads in non-signaled territory were caused, or apparently caused, by the failure of railroad employees to return manual (hand-operated) main track switches to their normal position, *i.e.*, lined for the main track, after use. As a result, rather than continuing their intended movement on the main track, trains approaching these switches in a facing-point direction were unexpectedly diverted from the main track onto the diverging route, and consequently derailed. Most recently:

- On January 8, 2005, a Burlington Northern and Santa Fe Railway Company (BNSF) freight train was unexpectedly diverted onto an industrial track in Bieber, California. The BNSF train struck two loaded grain cars, derailing seven locomotives and 14 cars. Two railroad employees were injured. Initial damages to equipment and track are in excess of \$970,000.

- On January 6, 2005, a Norfolk Southern Railway Company (NS) freight train was apparently unexpectedly diverted from the main track onto an industrial lead in Graniteville, South Carolina. The NS train struck a standing train on the industrial lead, derailing three locomotives and 16 cars. One of the derailed cars that contained chlorine ruptured and released product. As a result, eight citizens and one railroad employee were killed, 5,400 local residents remain evacuated, and 234 people have sought medical treatment. The National Transportation Safety Board (NTSB) began its investigation immediately and will not make its findings of probable cause for some time. FRA has representatives at the site assisting in the investigation. By stating here its preliminary impression of what may have contributed to this tragic accident, FRA in no way intends to supersede the NTSB's thorough and painstaking efforts that will ultimately lead to its official findings of cause.

FRA's regulations (49 CFR part 217) require each railroad to instruct its employees on the meaning and application of its code of operating rules, and to periodically test its employees to determine their level of compliance. Railroad operating rules provide that the normal position for a main track switch is lined and locked for movement on the main track.