

are required to hold a third-class medical certificate in accordance with § 61.23(a)(3); however, EAA is requesting that a private pilot, recreational pilot, or sport pilot be required to hold a current medical certificate appropriate to the pilot certificate held in accordance with § 61.23(a)(3)(i), § 61.23(a)(3)(ii), or § 61.23(c)(1)(ii).

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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.

#### Quantum Engineering, Inc.

(Waiver Petition Docket Number FRA-2006-25794)

Quantum Engineering, Inc. (Quantum) seeks a waiver of compliance with certain requirements of Title 49 Code of Federal Regulations (CFR) part 232, subpart E—*End-of-Train Devices*, published January 17, 2001. Specifically, 49 CFR 232.403(g)(2) states: "If power is supplied by one or more batteries, the operating life shall be a minimum of 36 hours at 0 °C."

Quantum requests a waiver to allow a minimum of 12 hours of battery reserve for the two batteries they propose using in their Model Q39 end-of-train devices.

According to Quantum, the Q39 end-of-train device will be powered by an air turbine-powered alternator (which has been in service for several years). Both the batteries and the alternator are continuously connected to provide electrical power to components of the device. The batteries are charged by the air-driven alternator during normal train operations and provide backup power when the alternator is not functioning (e.g., during switching operations when train line air pressure is cut out). Quantum provided test data indicating that the end-of-train device will operate for approximately 16 hours with two new self-contained lead acid batteries at 0 °C after loss of train line air.

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 (FRA-2006-25794) 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 September 20, 2006.

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

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

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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) 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.

#### The South Carolina Railroad Museum, Inc.

[Docket Number FRA-2006-25452]

The South Carolina Railroad Museum, Inc. (SCMZ) seeks a permanent waiver of compliance from *Control of Alcohol and Drug Use*, 49 CFR Part 219 Subparts D through J, which require a railroad to conduct reasonable suspicion alcohol and/or drug testing, pre-employment drug testing, random alcohol and drug testing, and to have voluntary referral and co-worker report policies, and which also specify drug and alcohol testing procedures and recordkeeping requirements. The railroad is a nonprofit railroad museum located near Winnsboro, South Carolina. As part of its museum activity, it operates excursion passenger trains, primarily on certain weekends and on special charters.

The museum only runs scheduled excursion trains on 15 days in the calendar year. On those days, it runs four trains over the 10.2-mile round trip. In addition to the regularly scheduled operating days, it runs excursion trains on a charter basis. In 2005, SCMZ operated charters on 26 days. In each case, only one train was operated on the respective charter.

A portion (4,650 feet) of the museums's track is subject to a recent Lead Track Agreement between the museum and Norfolk Southern Corporation (NS), whereby NS will provide limited rail service to a commercial facility located along the museum's track. This service will not involve SCMZ volunteers but will be conducted entirely by NS employees.

The waiver would cover the museum's operation of excursion trains on the museum's trackage between Rockton, South Carolina, and Rion, South Carolina (approximately 5.1 miles). SCMZ has hours of service volunteers only.

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