

**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.

**The Canadian National Railway Company**

[Waiver Docket Number FRA-2001-9486]

The Canadian National Railway Company (CN) is the owner of a 100-ton, seven unit articulated ramp car and has petitioned FRA for modification of an extension to the waiver granted on January 11, 2002, in FRA Docket Number 2000-9486. Specifically, CN has requested that the existing waiver be modified on condition no. 4 to extend the use of the ramp car by any of the CN affiliated railroads on any portion of the CN system in the United States.

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-2001-9486) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, 400 7th Street SW., Washington, DC 20590-0001. 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 DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC. 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 19377-78). The statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on November 9, 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 Title 49 Code of Federal Regulations (CFR) 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for waiver of compliance from certain requirements of Federal railroad safety regulations. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

**Alaska Railroad Corporation**

[Docket Number FRA-2006-26029]

As part of the informational filing submitted September 27, 2006 (Docket No. FRA-2006-26029) the Alaska Railroad Corporation (ARRC) has filed a petition for regulatory relief from the following regulations: 49 CFR 216.13 (Special Notice of Repairs—Locomotive), 49 CFR 217.9 (Program of Operational Tests and Inspections—Recordkeeping), 49 CFR 217.11 (Program of Instruction on Operating Rules—Recordkeeping, Electronic Recordkeeping), 49 CFR 218(d) (Prohibition Against Tampering with Safety Devices), 49 CFR 229.7 (Prohibited Acts), 49 CFR 229.135 (Event Recorders), 49 CFR 233.9 (Reports), 49 CFR 235.5 (Changes Requiring Filing of Application), 49 CFR 240.127 (Criteria for Examining Skill Performance), and 49 CFR 240.129 (Criteria for Monitoring Operational Performance of Certified Engineers), for

testing related to the Collision Avoidance System (CAS) on a railroad corridor from south of the Anchorage Terminal to Portage, within the State of Alaska, on the Alaska Division and the Whittier Division. The ARRC proposes to identify the specific parts of these territories on which testing will occur 30 days before the start of testing.

The regulatory relief requested is only for CAS-related equipment and testing, commencing fourth quarter 2006 through the conclusion of CAS testing and submission, and approval of the Product Safety Plan (PSP). The request for regulatory relief will not apply to non-CAS equipment and operations. Details of the specific relief requested and the associated rationale are specified in the ARRC letter of September 27, 2006 (Docket No. FRA-2006-26029).

FRA will accept comments under the provisions of 49 CFR part 211 for regulatory relief of these requirements.

As part of the same informational filing, ARRC also requests exemption under the provisions of 49 CFR 236.913(j)(1)(iv) for relief from various parts of 49 CFR part 236, subparts A-G. FRA will independently impose appropriate conditions necessary for the safety of train operations regarding exemptions from part 236, subparts A-G under the provisions of 49 CFR 236.913(j)(2).

Interested parties are invited to review the informational filing and provide written information or comments pertinent to FRA's consideration of the above request for waiver of compliance. All communications concerning this petition should identify the appropriate docket number (FRA-2006-26029) and may be submitted by one of the following methods:

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

Follow the instructions for submitting comments on the DOT electronic site;

- *Fax:* 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; or

• *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.

Communication received within 30 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for