

A stated level of builder fabrication is necessary for the FAA to issue the amateur builder a repairman certificate after showing compliance with § 65.104. Among other requirements, that section requires the experimental aircraft builder to be the primary builder of the aircraft, and to show to the satisfaction of the Administrator that the individual has the requisite skill to determine whether the aircraft is in a condition for safe operations.

The FAA is seeking comments on the proposed minimum percentage of fabrication and assembly that would be required in order for an amateur-built aircraft to qualify for a special airworthiness certificate in the experimental category. In addition, the FAA seeks comments to Chapter 4, Special Airworthiness Certification, Section 9, of FAA Order 8130.2F, *Airworthiness Certification of Aircraft and Related Products*, and AC 20-27G, *Certification and Operation of Amateur-Built Aircraft*. Both of these documents are available at <http://www.faa.gov>. Paper copies of these documents may be obtained by writing to Frank Paskiewicz, Manager, Production and Airworthiness Division, AIR-200, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

Issued in Washington, DC on July 9, 2008.

**Frank Paskiewicz,**

*Manager, Production and Airworthiness Division.*

[FR Doc. E8-16093 Filed 7-14-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notification of Petition for Approval; Railroad Safety Program Plan

Although not required, the Federal Railroad Administration (FRA) is providing notice that it has received a petition for approval of a Railroad Safety Program Plan (RSPP) submitted pursuant to Title 49 Code of Federal Regulations (CFR) Part 236, Subpart H. The petition is listed below, including the party seeking approval, and the requisite docket number. FRA is not accepting comments on this RSPP.

#### Northeast Illinois Regional Commuter Railroad Corporation

[Docket Number FRA-2008-0072]

The Northeast Illinois Regional Commuter Railroad Corporation (METRA) submitted a petition for approval of an RSPP. The petition, the RSPP, and any related documents have

been placed in the requisite docket (FRA-2008-0072) and are available for public inspection.

Interested parties are invited to review the RSPP and associated documents at the DOT Docket Management Facility during regular business hours (9 a.m.-5 p.m.) at 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the internet at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications received into any of our dockets by name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on July 9, 2008.

**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.

#### Memphis Area Transit Authority

[Waiver Petition Docket Number FRA-2008-0063]

The Memphis Area Transit Authority (MATA) seeks a permanent waiver of compliance from sections of Title 49 of the CFR for operation of its vintage Main Street Trolley line, which features "limited connections" such as a shared corridor operation and a diamond at-grade rail crossing of Canadian National/Illinois Central Railroad (CN/IC) track by the streetcar. See *Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers*

*Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment*, 65 FR 42529 (July 10, 2000). See also *Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems*, 65 FR 42626 (July 10, 2000).

The Main Street Trolley line is a 7 mile long, urban transit system serving 35 stations, and partially shares a riverfront corridor with CN/IC. Along this shared corridor, there are 11 shared highway-rail at grade crossings and one diamond at-grade rail crossing in which the streetcar crosses the CN/IC north of Auction Avenue as it heads south to GE Patterson Avenue. All shared highway rail at grade crossings have signalized crossing protection. Also, the diamond at-grade rail crossing is fully interlocked and signaled. All maintenance is performed by CN/IC.

MATA's Main Street Trolley line shares a limited connection to the general freight system at 11 highway-rail at grade crossings and 1 diamond at-grade rail crossing, and seeks a permanent waiver of compliance from Title 49 of the CFR, specifically: *Part 210 Noise Emissions; Part 215 Freight Car Safety Standards; Part 218 Railroad Operating Practices; Part 219 Drug and Alcohol; Part 221 Rear End Marking Devices; Part 223 Safety Glazing Standards; Part 228 Hours of Service* (for MATA streetcar operators and dispatchers); *Part 229 Locomotive Safety Standards; Part 231 Railroad Safety Appliances; Part 238 Passenger Equipment Safety Standards; Part 239 Passenger Emergency Preparedness; and Part 240 Engineer Certification.*

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-2008-0063) and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200

New Jersey Avenue, SE., W12-140, Washington, DC 20590.

• *Hand Delivery*: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

Issued in Washington, DC, on July 9, 2008.

**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) 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 Company

[Waiver Petition Docket Number FRA-2008-0060]

The Canadian National Railway Company (CN), a Class I railroad, on its

own behalf and for its wholly-owned United States operating subsidiaries, seeks a waiver of compliance from certain provisions of Title 49 CFR Part 232—*Brake System Safety Standards*. Specifically, CN has petitioned FRA for a clarification of Part 232.103 (n)(1) *Securement of unattended equipment* to allow a railroad to determine that zero is a sufficient number of hand brakes to secure equipment under the regulation when the railroad decides that the yard location is effectively leveled in the area where the cars are staged. Alternately, CN requests a waiver from the requirement of Part 232.103 (n)(1) *Securement of unattended equipment* to allow CN to apply no handbrakes to hold the equipment at these specified locations:

1. Battle Creek Yard, Battle Creek, MI;
2. Destrehan Yard, Destrehan, LA;
3. Flat Rock Yard, Flat Rock, MI
4. Glenn Yard, Forest View, IL;
5. Green Bay Yard, Green Bay, WI;
6. Hawthorne Yard, Cicero, IL;
7. Mays Yard, New Orleans, LA;
8. Neenah Yard, Neenah, WI;
9. Pokegama Yard, Pokegama, WI; and
10. Stevens Point Yard, Stevens Point, WI.

CN has identified these locations as yards which are virtually leveled, or where the ends of the yard are "bowl" shaped to contain rolling equipment, and where CN maintains that equipment may be safely left unattended without hand brakes applied.

Under CN's previous interpretation of Part 232.103 (n)(1), CN states that they previously safely operated over the past number of years at several of these locations with a zero hand brake applied policy. CN has suspended that policy pending the outcome of this petition. CN states that under its previous policy, they experienced no unintended equipment roll-outs at these locations, which they attributed to the flat or "bowl" shaped configuration of these yards. CN also states that safety and efficiency of operation were improved, due to reduction of employee exposure to injury while applying or releasing handbrakes, and that wheel damage caused by the failure of a crew to release hand brakes before equipment movement was reduced.

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-2008-0060) and may be submitted by any of the following methods:

- *Web site*: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax*: 202-493-2251.
- *Mail*: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery*: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and 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).

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

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

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