

synthetic fuel to various TVA fossil plants.

C3. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into contracts with Rogers Group Inc. for limestone supply to Paradise and Shawnee Fossil Plants.

C4. Contract with Nol-Tec Systems to design, furnish, install, test, and commission hydrated lime injection systems for sulfur trioxide (SO<sub>3</sub>) mitigation at various TVA fossil plants.

C5. Contract with General Electric Company for auxiliary power boards for various TVA hydro and fossil plants.

C6. Supplement to Contract No.

00038906 with Fujitsu Network Communications for supply of synchronous optical network components.

#### E—Real Property Transactions

E1. Modification of certain deed restrictions affecting approximately 0.1 acre of former TVA land on Cherokee Reservoir in Hamblen County, Tennessee, Tract No. XCK-104, S.1X, to allow an existing portion of a house, heat pump, and deck to remain on the property.

E2. Grant of a permanent easement to the State of Tennessee for an access road and utility lines affecting land on Tims Ford Reservoir in Moore County, Tennessee, Tract No. XTMMFR-45E.

E3. Grant of a permanent easement to the State of North Carolina for a highway improvement project affecting approximately 55 acres of land on Hiwassee Reservoir in Cherokee County, North Carolina, Tract No. XTFBR-32H.

#### Information Items

1. Approval of FY 2005 Winning Performance Team Incentive Plan Scorecards.

2. Approval of a grant of a permanent easement to the State of Tennessee for a highway and bridge improvement project affecting approximately 7.7 acres of land on Chickamauga Reservoir in Meigs County, Tennessee, Tract No. XTCR-202H.

3. Approval of membership and chair appointments to the third-term Regional Resource Stewardship Council.

4. Approval of the amendment of the Regional Resource Stewardship Council charter to require that, beginning with the 2006 membership appointments, at least six members are new to the Council.

5. Approval of Adams Street Partners, LLC, as a new investment manager for the TVA Retirement System and approval of the investment management agreement.

6. Approval of replacement power arrangements with Kerr-McGee Chemical LLC.

7. Approval to file condemnation cases to acquire easements, rights-of-way, and tree-removal rights for TVA power transmission line projects affecting the South Jackson-Cordova Tap to Gallaway Transmission Line in Fayette County, Tennessee, and the Johnsonville-Columbia Tap to South Waverly Transmission Line in Humphreys County, Tennessee.

8. Approval of Competitive Indexed Rate arrangements for North Georgia EMC service to Mohawk Industries.

9. Approval of the proposed Joint Reliability Coordination Agreement among and between TVA, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC.

For more information: Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: March 16, 2005.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. 05-5572 Filed 3-17-05; 10:38 am]

BILLING CODE 8120-08-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Advisory Circular 33.75-1, Guidance Material for 14 CFR 33.75, Safety Analysis.**

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

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) 33.75-1, Guidance Material for 14 CFR 33.75, Safety Analysis. This AC sets forth acceptable methods of compliance with the safety analysis requirements of 14 CFR 33.75.

**DATES:** Advisory Circular 33.75-1 was issued by the Engine and Propeller Directorate, ANE-100, on March 4, 2005.

**FOR FURTHER INFORMATION CONTACT:** The Federal Aviation Administration, Attn: Ann Azevedo, ANE-104, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (781) 238-7117;

fax: (781) 238-7199; e-mail:

[Ann.Azevedo@faa.gov](mailto:Ann.Azevedo@faa.gov).

We have filed in the docket all substantive comments received, and a report summarizing them. If you wish to review the docket in person, you may go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to contact the above individual directly, you can use the above telephone number e-mail address provided.

**How to Obtain Copies:** A paper copy of AC 33.75-1 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC-121.23, Ardmore East Business Center, 3341Q 75th Ave., Landover, MD 20785, telephone 301-322-5377, or by faxing your request to the warehouse at 301-386-5394. The AC will also be available on the Internet at <http://www.faa.gov/>, select "Regulations and Policies" and the link titled "Advisory Circulars."

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

Issued in Burlington, Massachusetts, on March 4, 2005.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 05-5441 Filed 3-18-05; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2004-19933]

#### **Physical Qualification of Drivers; Medical Examination and Certification; Exemption Application—National Cooperative Refinery Association and Jayhawk Pipeline, LLC**

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA received an application from the National Cooperative Refinery Association ("NCRA") and its affiliate Jayhawk Pipeline, LLC, for an exemption from the driver's physical qualification rule which requires drivers who operate commercial motor vehicles (CMVs) in interstate commerce to be medically examined and certified every 24 months. NCRA states an exemption is needed to extend the expiration of the qualification date up to eight days for 130 of its drivers who were qualified to operate a CMV on various dates in April

of 2004. If granted, an exemption would allow NCRA to schedule its drivers' medical examinations in April of 2006, after the expiration of their physical qualification certification.

**DATES:** Comments must be received by April 20, 2005.

**ADDRESSES:** You may submit comments identified by any of the following methods. Please identify your comments by the FMCSA Docket Number FMCSA-2004-19933.

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

Follow instructions for submitting comments to the docket.

- **Fax:** (202) 493-2251.

• **Mail:** U.S. Department of Transportation, Docket Management Facility, 400 Seventh Street, SW., Plaza level, Washington, DC 20590-0001.

• **Hand Delivery:** Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

• **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

**Docket:** For access to the Docket Management System (DMS) to read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

**Privacy Act:** 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 (65 FR 19477), or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Maggi Gunnels, (202) 366-4001, Division of Physical Qualifications, Office of Bus and Truck Standards and Operations, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001; e-mail address: [maggi.gunnels@fmcsa.dot.gov](mailto:maggi.gunnels@fmcsa.dot.gov). Office hours are from 7:45 a.m. to 4:15 p.m., et, Monday through Friday, except Federal holidays.

## SUPPLEMENTARY INFORMATION:

### Background

On December 8, 1998 (63 FR 67600), FMCSA issued an interim final rule adding part 381 to the Federal Motor Carrier Safety Regulations (FMCSRs) and implementing section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107). Section 4007 of TEA-21 amended 49 U.S.C. 31315 and 31136 concerning waivers and exemptions. On August 20, 2004, FMCSA issued a final rule adopting the interim regulations in part 381 as final (69 FR 51589).

The regulations (49 CFR part 381) established the procedures one must follow to request waivers and apply for exemptions from the FMCSRs, and the procedures that are used to process them. FMCSA must publish a notice in the **Federal Register** for each exemption requested, explain that the request has been filed, provide the public with an opportunity to inspect the safety analysis and any other relevant information known to the agency, and provide an opportunity to comment on the request. Prior to granting a request for exemption, FMCSA must publish a notice in the **Federal Register** identifying the person who will receive the exemption, the provisions from which the person will be exempt, the effective period, and the terms and conditions of the exemption. The terms and conditions established by FMCSA must ensure that the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulation.

### NCRA's Request for an Exemption

The National Cooperative Refinery Association (NCRA) and its affiliate, Jayhawk Pipeline, LLC, have requested an exemption from the physical qualification of drivers provision at 49 CFR 391.45(b)(1). A copy of NCRA's application is in the docket referenced at the beginning of this notice. This rule requires that drivers must be medically examined and certified as physically qualified every 24 months. FMCSA is responsible for administering and enforcing the FMCSRs. NCRA complains that the medical examination rule is enforced as 24 months to the day in Kansas and Nebraska. It seeks an exemption to extend the expiration of the qualification date up to "eight days" for 130 of its drivers who were qualified to operate a CMV on April 5, 6, 8, 12, 13, and 14 of 2004. Such relief would allow NCRA to schedule and perform its drivers' medical examinations in April of 2006 after their physical qualification

certification had expired. This means, for example, that an employee who was examined and certified on April 5, 2004, could be scheduled for his/her physical as late as April 13, 2006. NCRA states the nature of its business is less demanding during the first two weeks of each month, thus making it desirable to schedule and perform medical examinations during that particular time. NCRA opines that medical examinations could also be cancelled due to adverse weather, thereby resulting in medical cards expiring if there is not some flexibility provided in the expiration date.

NCRA uses the University of Kansas Medical Center (KU) to perform medical examinations. KU provides a mobile service that includes a medical team of doctors and nurses who are knowledgeable about DOT and OSHA requirements. Before KU was hired, NCRA drivers obtained medical examinations from the physician of their choice, usually in rural areas of Kansas, Nebraska, and Oklahoma. NCRA states using one medical team to perform the medical examinations has proven effective in eliminating potential violations.

NCRA points to § 396.17(c) relating to periodic inspections in support of its application. It suggests that if similar language were adopted in § 391.45(b)(1), NCRA would not need this exemption. Section 396.17(c) states, in part: A motor carrier shall not use a commercial motor vehicle unless each component identified in appendix G has passed an inspection in accordance with the terms of this section at least once during the preceding 12 months and documentation of such inspection is on the vehicle.

Lastly, NCRA claims it would suffer unnecessary economic hardship for a minor technical date issue if we do not grant its request.

### Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment from all interested persons on this exemption application. All comments received before the close of business on the comment closing date shown in the **DATES** section above will be considered and will be available for examination in the docket. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent possible. However, FMCSA may make its decision at any time after the comment period closes. FMCSA also will continue to file in the public docket relevant information that becomes

available after the comment closing date. Interested persons should continue to examine the docket for new material.

Issued on: March 14, 2005.

Annette M. Sandberg,  
Administrator.

[FR Doc. 05-5491 Filed 3-18-05; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2004-18961]

#### Union Pacific Railroad Company; Notice of Public Hearing and Extension of Comment Period

The Union Pacific Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of the traffic control system (TCS), on Track No. 1 between Control Point River, milepost 247.4, and Control Point Ft. Worth, milepost 250.0, on the Dallas Subdivision, Dallas/Ft. Worth area, near Ft. Worth, Texas. The proposed changes include removal of CP University Avenue, milepost 248.01, and conversion of the existing dispatcher controlled, power-operated switch to a radio-controlled, power-operated switch, operated by the Remote Control Locomotive (RCL) Operator. The proposed changes are in conjunction with the installation of a new TCS track between CP West Ft. Worth and CP River. This block signal application proceeding is identified as Docket No. FRA-2004-18961.

FRA has issued a public notice seeking comments of interested parties and has conducted its own field investigation in this matter. After examining the carrier's proposal, letters of protest, and the field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal. FRA is also extending the comment period to one week beyond the date of the public hearing. If information received at the public hearing warrants the need to extend the comment period further, a separate notice will be published indicating such extension.

Accordingly, a public hearing is hereby set for 9 a.m. on Wednesday, April 20, 2005, in Room 120 of the Texas-New Mexico Power Building, Tower II, 4100 International Plaza, Ft. Worth, Texas 76109. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA

Rules of Practice (49 CFR 211.25), by a representative designated by the FRA. The hearing will be a non adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

In addition, FRA is extending the comment period to April 28, 2005. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2004-18961) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. 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 March 15, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety,  
Standards and Program Development.

[FR Doc. 05-5490 Filed 3-18-05; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-170 (Sub-No. 2X); STB Docket No. AB-398 (Sub-No. 10X)]

#### Sunset Railway Company— Abandonment Exemption—in Kern County, CA; San Joaquin Valley Railroad Company—Discontinuance Exemption—in Kern County, CA

Sunset Railway Company (SRY) and San Joaquin Valley Railroad Company (SJVR) (collectively, petitioners) have jointly filed a notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments and Discontinuances of Service* for SRY to abandon, and SJVR to discontinue service over, a 0.20-mile line of railroad, known as the Sunset Subdivision near Levee, between milepost 19.80 and milepost 20.00, in Kern County, CA. The line traverses United States Postal Service Zip Code 93268.

SRY and SJVR have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to the governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on April 20, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of