

Appointments must be scheduled at least 48 hours in advance.

**Carmen Suro-Bredie,**  
*Chairman, Trade Policy Staff Committee.*  
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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee; Request for Public Comment on Review of Employment Impact of United States- United Arab Emirates Free Trade Agreement Negotiations

**AGENCIES:** Office of the United States Trade Representative; Department of Labor.

**ACTION:** Request for comments.

**SUMMARY:** The Trade Policy Staff Committee (TPSC) gives notice that the Office of the United States Trade Representative (USTR) and the Department of Labor (Labor) are initiating a review of the impact of a proposed free trade agreement (FTA) between the United States and the United Arab Emirates (UAE) on U.S. employment, including labor markets. This notice seeks written public comment on potentially significant sectoral or regional employment impacts (both positive and negative) in the United States as well as other likely labor market impacts of the FTA.

**DATES:** USTR and Labor will accept any comments received during the course of the negotiations of the FTA. However, comments should be received by noon, February 16, 2005, to be assured of timely consideration.

**ADDRESSES:** Submissions by electronic mail: [FR0512@ustr.eop.gov](mailto:FR0512@ustr.eop.gov). Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-6143.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395-3475. Substantive questions concerning the employment impact review should be addressed to Jorge Perez-Lopez, Director, Office of International Economic Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-4883; or William Clatanoff, Assistant U.S. Trade Representative for Labor, telephone (202) 395-6120.

**SUPPLEMENTARY INFORMATION:**

### 1. Background Information

In accordance with section 2104 of the Trade Act of 2002 (Trade Act) (19 U.S.C. 3804), on November 15, 2003, the USTR notified the Congress of the President's intent to initiate FTA negotiations with the UAE. Pursuant to the requirements of the Trade Act of 1974, the USTR requested the U.S. International Trade Commission (ITC) to provide advice on probable economic effects no later than February 28, 2005. In addition, USTR published a notice in the **Federal Register** soliciting views from the public on the negotiations in general, and the TPSC will hold a public hearing on January 12, 2005. The United States intends to begin negotiations with the UAE in March 2005.

### 2. Employment Impact Review

Section 2102(c)(5) of the Trade Act (19 U.S.C. 3802(c)(5)) directs the President to review the impact of future trade agreements on U.S. employment, including labor markets, modeled after Executive Order 13141 to the extent appropriate in establishing procedures and criteria, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public. USTR and Labor will conduct the employment reviews through the TPSC.

The employment impact review will be based on the following elements, which are modeled to the extent appropriate after those in EO 13141. The review will be: (1) Written; (2) initiated through a notice in the **Federal Register** soliciting public comment and information on the employment impact of the FTA in the United States; (3) made available to the public in draft form for public comment, to the extent practicable; and (4) made available to the public in final form.

Comments may be submitted on potentially significant sectoral or regional employment impacts (both positive and negative) in the United States as well as other likely labor market impacts of the FTA. Persons submitting comments should provide as much detail as possible in support of their submissions.

### 3. Requirements for Submissions

In order to ensure prompt and full consideration of response, the TPSC strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject

line: "U.S.-UAE FTA Employment Impact Review." Documents should be submitted as WordPerfect, MSWord, or text (.TXT) files. Spreadsheets submitted as supporting documentation are acceptable as Quattro Pro or Excel files. If any document submitted electronically contains business confidential information, the file name of the business confidential version should begin with the characters "ABC-," and the file name of the public version should begin with the character "P-." The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked "BUSINESS CONFIDENTIAL" at the top of each page, including any cover letter or cover page, and must be accompanied by a non-confidential summary of the confidential information. All public documents and non-confidential summaries shall be available for public inspection in the USTR Reading Room in Room 3 of the Annex of the Office of the USTR, 1724 F Street, NW., Washington, DC 20508. An appointment to review the file may be made by calling (202) 395-6186. The USTR Reading Room is generally open to the public from 10 a.m.-12 noon and 1-4 p.m. Monday through Friday. Appointments must be scheduled at least 48 hours in advance.

**Carmen Suro-Bredie,**  
*Chairman, Trade Policy Staff Committee.*  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval Of Noise Compatibility Program for Reid-Hillview Airport, San Jose, CA

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Santa Clara County, California under the provisions of Title I of the Aviation Safety and Noise Abatement Act, as amended, (Public Law 93-193) (hereinafter referred to as "the Act") and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 13, 2004, the FAA determined that the noise exposure maps submitted by Santa Clara County under Part 150 were in compliance with applicable requirements.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Noise Compatibility Program for Reid-Hillview Airport is November 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Joseph Rodriguez, Supervisor, Planning Section, San Francisco Airports District Office, Western-Pacific Region, Federal Aviation Administration, 831 Mitten Road, Burlingame, California, 94010. Telephone: (650) 876-2778, extension 610. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Reid-Hillview Airport (RHV), effective November 3, 2004. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, as amended (herein after referred to as the "Act") [recodified as 49 U.S.C. 47504], an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured

according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982, as amended. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Burlingame, California.

The Santa Clara County, California submitted to the FAA on July 16, 2002 the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from December 2000 through September 2002. The Reid-Hillview Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on January 13, 2004. Notice of this determination was

published in the **Federal Register** on February 3, 2004.

The Reid-Hillview Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from 2002 to beyond the year 2007. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in 49 USC 47504 (formerly Section 104(b) of the Act). The FAA began its review of the program on May 7, 2004, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 33 proposed actions for noise abatement, noise mitigation, land use planning and program management on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program was approved, by the Associate Administrator for Airports, effective November 3, 2004.

Outright approval was granted for 20 of the specific program measures. The approved measures included such items as: Establish a voluntary measure that recommends a preferential Runway use-arrivals on Runway 31L & departures on Runway 31R; Encourage use of minimum power settings on departure; Encourage standard glide slope arrival procedures to minimize power on arrival; Create new engine run-up area for twin-engine aircraft (designated at the compass rose as the site for maintenance run-ups); Implement a fair disclosure policy to work with the California Department of Real Estate to enhance the public notice of airport noise level information during residential sales transactions; Implement policy guidance for amendments in the city of San Jose 2020 General Plan to incorporate recommendations for preventing or mitigating unwanted noise and incorporating land use recommendations of the [Airport Land use Commission] ALUC Plan; Soundproofing existing development through a noise insulation program to ensure acceptable interior noise levels for single-family residences within the 2002 CNEL 65 dB(A) and greater contours; Implement Planning commission review policy guidance for consideration of all types of proposed development within the 2002 CNEL 60

dB(A) and greater contour; County Airport Administration to provide an airport noise impact boundary identification as means to monitor new land use proposals and ensure the [Airport Land Use Plan] ALUP is enforced; Encourage pilots to "Fly Friendly"; Encourage flight training schools to train pilots to "Fly Friendly"; Continually publicize RHV complaint Hotline; Install noise monitors in the RHV environs to measure and compare unusual or high level noise aircraft events with voice recorder system; Install a radar collection system to match aircraft noise events to radar tracks; Establish an Airport/Airport user/Community Noise committee after noise monitor and radar collection system are in place to discuss issues on a quarterly basis; Create a position at RHV to focus on noise abatement and compliance programs and to investigate noise complaints; Update the RHV Part 150 Study NEM and NCP within five years of FAA Approval; Update and distribute the pilot noise handout with the FAA approved noise abatement measures; Revise the noise abatement signs to reflect the FAA Approved noise abatement measures; Maintain information about RHV's noise abatement program on the County's Web site.

The FAA has approved in part and disapproved in part, the following two land use management elements for the purposes of FAR Part 150: A County purchase assurance program that guarantees to noise-impacted property owners the County would provide opportunities for noise sensitive residences to relocate while maintaining the stability of the neighborhood; and Implement public land use development criteria to provide policy guidance for development of public uses within the 2002 CNEL 60dB(A) and greater contours. The FAA has approved in part for study and disapproved in part for construction, pending submission of additional information to demonstrate a noise benefit, one land use management element. The partial approval is limited to evaluation of study information of the noise benefit of the construction of sound buffers/barriers to provide noise level reduction for residential areas immediately adjacent to Reid-Hillview Airport.

The FAA disapproved 9 of the specific program measures for the purposes of Part 150. The disapproved measures included such items as: Voluntary limitation on aircraft departures to specific times; Voluntary limitation on aircraft touch-and-go operations to specific days and times; Prohibit intersection departures; Restrict

Jet Operations to FAR Part 36 Stage 3 jets; Prohibit formation arrivals and departures; Prohibit simulated emergencies; Prohibit low-level fly-bys except for emergency requirements; Encourage pilots to modify aircraft to decrease noise emissions; Soundproofing existing single-family development within the 2002 CNEL 60-65 dB(A) contour area.

The FAA has taken no action on one noise abatement measure for the purposes of Part 150: Revise flight track for aircraft departing Runway 31R (modify the Quiet One departure flight track) measure. The measure relates to flight procedures under 49 U.S.C. 47504(b) and will require additional documentation to make a determination. Additional analysis and communication between the airport operator, the FAA Western-Pacific Air Traffic Division, and the local Airport Traffic Control Tower management is required.

These determinations are set forth in detail in the Record of Approval signed by the Associate Administrator for Airports on November 3, 2004. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Santa Clara County. The Record of Approval also will be available on-line at: <http://www.faa.gov/arp/environmental/14cfr150/index14.cfm>.

Issued in Hawthorne, California on December 8, 2004.

**Mia Paredes Ratcliff,**

*Acting Manager, Airports Division, Western-Pacific Region, AWP-600.*

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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.

### New York Airbrake Corporation [Waiver Petition Docket Number FRA-2000-7367]

The New York Air Brake Corporation (NYAB) seeks modification of the existing waiver FRA-2000-7367 (formerly H-95-3) to include its new CCB-26 electronic airbrake system. The existing waiver, which was first granted on September 13, 1996, extended the interval for cleaning, repairing, and testing pneumatic components of the NYAB Computer Controlled Brake (CCB, now referred to as CCB-I) locomotive air brake system under 49 CFR 229.27(a)(2) and 49 CFR 229.29(a) from 736 days to 5 years. This waiver was modified to include NYAB's CCB-II electronic air brake system on August 20, 1998. Based on successful performance of the two NYAB electronic air brake systems under the conditions of the 1996 and 1998 waivers, the waiver was extended for another five years on September 10, 2001 and the conditions of the waiver were modified on September 22, 2003.

NYAB describes the new CCB-26 electronic air brake system as an adaptation of the CCB-II system designed to be used on locomotives without integrated cab electronics. It uses many of the same sub-assemblies of pneumatic valves, electronic controls and software (referred to as line replaceable units or LRUs) as the CCB-II. Some changes have been made to simplify the system while maintaining or increasing the level of safety. For example, the penalty brake interface has been changed to mimic the 26L system interface, allowing for a fully pneumatic penalty brake application. Also, the brake cylinder pilot pressure development has been simplified from an electronic control to a fully pneumatic version based on proven components.

Much of the software and diagnostic logic which detects critical failures and takes appropriate action to effect a safe stop has been carried over from CCB-II. Overall, NYAB characterizes the CCB-26 as being more similar to CCB-II than CCB-I is to CCB-I. As a final check on the performance of the CCB-26 system, it will be included in existing NYAB failure monitoring and recording systems as required by the already effective waiver.

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