

Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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>.

FRA wishes to inform all potential commenters that 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) or you may visit <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on November 1, 2004.

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

*Acting Associate Administrator for Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket Number FRA-2004-19395

*Applicant:* Union Pacific Railroad, Mr. Steven C. Beckwith, Director Service Performance, 1400 Douglas Stop 1050, Omaha, Nebraska 68179-1050.

The Union Pacific Railroad Company (UP) seeks relief from the requirements

of the Rules, Standards and Instructions, 49 CFR, part 236, Section 236.110 and Section 236.586 as it pertains to the physical record keeping requirements for cab signal equipment on locomotives equipped with Harmon Cab Signal Systems.

Applicant's justification for relief: The UP received a waiver through Docket Number FRA-2001-11014, which allows the use of electronic signatures and electronic storage of daily locomotive inspection records. The UP states that there are two parts to their electronic daily inspections, and both call for the inspection of the cab signal receiver bars on locomotives equipped with Harmon Cab Signal Systems. The UP contends that the inspections are being performed, and approval of this waiver will fall in line with our current electronic daily inspection procedures. In addition this will provide further compliance with the various electronic signature and paperwork reduction laws enacted by the U.S. Congress.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the 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>.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Docket No. 38302S]

**United States Department of Energy and United States Department of Defense v. Baltimore & Ohio Railroad Company, et al.**

[Docket No. 38376S]

**United States Department of Energy and United States Department of Defense v. Aberdeen & Rockfish Railroad Company, et al.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of proposed settlement agreement; issuance of procedural schedule.

**SUMMARY:** On September 15, 2004, the United States Department of Energy and the United States Department of Defense (the Government) joined by Union Pacific Railroad Company (UP) filed a motion requesting approval of an Agreement that would settle these rate reasonableness disputes as between the moving parties. The Surface Transportation Board (Board) is adopting a procedural schedule for filing comments and replies in support of, or opposition to, the proposed Settlement Agreement.

**DATES:** The effective date of this decision is November 5, 2004. Any parties of record or interested persons, including the United States Department of Justice and the United States Department of Transportation, may file with the Board written comments concerning the proposed Settlement Agreement by December 6, 2004. Replies by the parties to the proposed Settlement Agreement must be filed by December 20, 2004.

**ADDRESSES:** Any filing submitted in this proceeding must refer to Docket Nos. 38302S and 38376S and must be submitted either via the Board's e-filing format or in the traditional paper