

that railroad safety would not be compromised and the intent of SBREFA would be met.

In addition to establishing this interim definition for the railroad industry in the Interim Policy Statement, FRA requested comment on a variety of potential definitions: (1) Fifteen employees subject to the hours of service laws, which Congress used as a benchmark for small business exemptions in the hours of service law, 49 U.S.C. 21102(b); (2) a total of at least 400,000 person/hours worked annually, which equates to approximately 200 employees and which FRA has used as a size classification previously; (3) the Class III designation currently in use; (4) the employee delineations established by SBA regulation; (5) any combination of these; and (6) entirely new designations. FRA invited comment on these possible definitions from all interested parties, and asked those submitting comments to provide the rationale for the proposals offered, including economic and employee data, operating concerns, and an explanation of how SBREFA's intent would be met by adoption of a particular definition. In addition, FRA stated that the agency would conduct a public meeting to discuss comments received and adoption of a permanent definition for "small entity."

In response to the Interim Policy Statement, the National Railroad Construction and Maintenance Association, Inc. (NRC) and The American Short Line Railroad Association (now known as The American Short Line and Regional Railroad Association) (ASLRRA) submitted comments to FRA. The comments of these organizations are available for review in the docket of this proceeding. In general terms, the NRC urged FRA to adopt the 400,000/person hours designation, and the ASLRRA urged FRA to expand its definition to include Class II, as well as Class III companies, in its definition of "small entity." Class II railroads are those with annual operating revenues in excess of \$20 million and less than \$250 million.

FRA will hold a public meeting on September 28 at 10:00 a.m. to discuss these proposals, others FRA has outlined above, and all other appropriate proposals that have not yet been illuminated. FRA also requests comment on methods by which flexibility might be incorporated into the definition to address changing economic trends; sudden changes in employee staffing levels; the development of low cost, innovative equipment improvements; and other future events that could make the

definition FRA adopts now obsolete in a very short time. It is important to note that any new definition of "small entity" FRA adopts in this proceeding must be consistent with the principles of railroad safety and the intent of SBREFA. That is to say, a definition based solely on economic considerations would not suffice. FRA's statutory mandate and SBREFA require that the safety and health of the public, railroad employees, and the environment are the predominant concerns where a company's economic fitness is juxtaposed against them. Therefore, FRA asks that commenters and participants in the public meeting address how their respective proposals would meet the statutory requirements involved, if the definition proposed broadly covers a substantial sector of the industry, or includes entities in robust financial condition. Participants should keep in mind that the "small entity" definition FRA ultimately adopts will not necessarily determine the reach of any particular safety rule. This determination will be used in FRA's communication and enforcement policies under SBREFA. FRA may, as it has in the past, choose different criteria to determine the applicability, content, or effective date of any regulatory provision.

Although the public meeting will be transcribed by a court reporter, it will be conducted in an informal manner. Participants who wish to make an opening statement concerning FRA's definition of "small entity" may do so. However, FRA anticipates that all participants and agency representatives will engage in an informal dialogue of questions and answers concerning this subject.

#### Comments Requested

FRA invites written comments on the definition of "small entity," potential alternate definitions, and supporting rationale for the suggested alternative definitions. Please direct all written comments to the DOT's Central Docket Management Facility, Room PL 401, 400 Seventh Street, SW Washington, DC 20590-0001. Any party that prepared written comments in response to Notice No. 1 in this proceeding in 1997 need not file comments again, unless there is additional or alternate information to share.

Any party wishing to attend the public meeting must notify the FRA Docket Clerk in writing by September 20; any party wishing to attend and participate in the meeting must notify the FRA Docket Clerk in writing by September 20, 1999.

Submitted in Washington, DC, on August 20th, 1999.

**Jolene M. Molitoris,**  
Administrator.

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Described below is the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection was published on June 8, 1999, [64 FR 30560].

**DATES:** Comments must be submitted on or before September 24, 1999.

**FOR FURTHER INFORMATION CONTACT:** Daniel Ladd, Financial Analyst, Office of Ship Financing, Maritime Administration, 400 Seventh Street, SW, Room 8122, Washington, DC 20590, telephone number—202-366-5744. Copies of this collection can also be obtained from that office.

#### SUPPLEMENTARY INFORMATION:

*Title of Collection:* "46 CFR Part 298—Title XI Obligation Guarantees".

*OMB Control Number:* 2133-0018.

*Type of Request:* Extension of a currently approved information collection.

*Affected Public:* Individuals interested in obtaining loan guarantees for construction or reconstruction of vessels satisfying criteria under the Merchant Marine Act, 1936.

*Form Number(s):* MA-163, MA-163A.

*Abstract:* In accordance with the Merchant Marine Act, 1936, MARAD is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. The information collected is necessary for MARAD to evaluate an applicant's project and capabilities, make the

required determinations, and administer any agreements executed upon approval of the loan guarantees.

**Annual Estimated Burden Hours:**  
1750 Hours.

**Addressee:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20502, attention MARAD Desk Officer.

### Comments Are Invited On

Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: August 20, 1999.

**Joel C. Richard,**

Secretary, Maritime Administration.

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-563 (Sub-No. 1X) and STB Docket No. AB-471 (Sub-No. 2X)]

**Kansas Eastern Railroad, Inc.—Abandonment Exemption—in Butler and Greenwood Counties, KS and South Kansas and Oklahoma Railroad, Inc.—Discontinuance of Service Exemption—in Butler and Greenwood Counties, KS**

Kansas Eastern Railroad, Inc. (KER) and South Kansas and Oklahoma Railroad, Inc. (SKO) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* for KER to abandon and SKO to discontinue its trackage rights over a rail line between milepost 438.5, at Severy, and milepost 483.0 near Augusta, in Butler and Greenwood Counties, KS.<sup>1</sup> The line traverses United

States Postal Service Zip Codes 67010, 67074, 67012, 67122 and 67137.

KER and SKO have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past two years; (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 the 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 governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment 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, this exemption will be effective on September 24, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 7, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 14, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants'

SKO's trackage rights were the subject of an exemption in *South Kansas and Oklahoma Railroad, Inc.—Trackage Rights Exemption—Kansas Eastern Railroad, Inc.*, Finance Docket No. 33293 (ICC served Dec. 2, 1996).

<sup>2</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 Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>3</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

representative: Karl Morell, Ball Janik LLP, 1455 F St., N.W., Suite 225, Washington, DC 20005. If the verified notice contains false or misleading information, the exemption is void *ab initio*.

KER and SKO have filed an environmental report which addresses the effects of the abandonment and discontinuance, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 30, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), KER shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by KER's filing of a notice of consummation by August 25, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: August 19, 1999.

By the Board, David M. Konschnick, Director, Office of Proceedings.

**Vernon A. Williams,**

Secretary.

[FR Doc. 99-22075 Filed 8-24-99; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Departmental Offices; International Financial Institution Advisory Commission

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** Under section 603 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1999, the International Financial Institution Advisory Commission (the "Commission") shall advise and report to the Congress on the future role and responsibilities of the international financial institutions (defined as the

<sup>1</sup> KER acquired the involved rail line from Burlington Northern Railroad Company as part of the transaction authorized in *Kansas Eastern Railroad, Inc.—Acquisition Exemption—Burlington Northern Railroad Company*, Finance Docket No. 33292 (ICC served Dec. 2, 1996).