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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 January 3, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00-710 Filed 1-11-00; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6038]

Notice of Receipt of Petition for Decision That Nonconforming 1998-1999 Audi A6 Passenger Cars Are Eligible for Importation; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Correction to notice of receipt of petition for decision that nonconforming 1998-1999 Audi A6 passenger cars are eligible for importation.

SUMMARY: This document corrects a document published on August 5, 1999 (64 FR 42756) announcing receipt by NHTSA of a petition for a decision that 1998-1999 Audi A6 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States. The notice incorrectly identified the docket number for this petition as "Docket No. NHTSA-99-6039." The docket number should have been properly identified as "Docket No. NHTSA-99-6038."

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on January 7, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00-750 Filed 1-11-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5681; notice 2]

American Transportation Corporation, Grant of Application for Decision of Inconsequential Noncompliance

American Transportation Corporation (AmTran) has determined certain air brake systems on AmTran buses were built with air tank volumes that are not in full compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 121, "Air brake systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." AmTran has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on May 25, 1999, in the **Federal Register** (64 FR 28242). NHTSA received no comments on this application during the 30-day comment period. Since November 5, 1998, AmTran has produced vehicles that comply with the air reservoir combined volume requirements of FMVSS No. 121.

FMVSS No. 121 establishes the performance and equipment requirements for the braking systems on vehicles equipped with air brake systems. On January 12, 1995, NHTSA issued a final rule in the **Federal Register** (60 FR 2896) amending FMVSS No. 121 to allow the volume of each air brake chamber to be determined by either the actual volume of the brake chamber at maximum travel of the brake piston (or pushrod), or the "rated volume" of each brake chamber pursuant to a table of specified values," whichever is lower. On July 11, 1996, NHTSA published a final rule amending Table V. The agency decided to revise certain rated volumes in Table V, thereby removing design restrictions that had continued to discourage the use of long stroke brake chambers.

AmTran's calculation of the minimum required air capacity of affected buses is based on the amended Table V.

From October 27, 1995, through November 5, 1998, AmTran produced 122 units with an air reservoir combined volume of 3,630 cubic inches or 11.6 times the combined volume of all service brake chambers. Standard No. 121 requires those units to have an air reservoir combined volume of 3,744

cubic inches or 12 times the combined volume of all service brake chambers.

The rear air brake chambers of the affected buses are 30 inches in diameter. During the agency's compliance testing of various motor vehicles, the agency conducted compliance testing on an AmTran bus and found that the bus met the air reservoir and the braking performance requirements specified in FMVSS No. 121. The compliance test vehicle was equipped with smaller rear brake chambers (24-inch diameters) than the affected buses.

On August 16, 1999, AmTran provided the agency with its in-house test results on a subject model bus. These tests evaluated the vehicle's air consumption under severe braking and indicated that the bus' braking system had sufficient compressed air to adequately stop the vehicle during repeated brake applications.

Based on the agency's test findings and the information provided by AmTran, the agency believes that in this case, the true measure of its inconsequentiality to motor vehicle safety is whether this air reservoir combined volume affects the vehicle's overall stopping ability. In this case, it does not appear to adversely affect stopping ability. Laboratory test data results submitted by the manufacturer demonstrate that this non-compliant braking system maintains sufficient air after several brake applications. In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: January 7, 2000.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 00-749 Filed 1-11-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 33407]

Dakota, Minnesota and Eastern Railroad Corporation Construction Into the Powder River Basin

AGENCY: Surface Transportation Board, DOT.

ACTION: Amended notice of intent to prepare an environmental impact statement (EIS); addition of U.S. Coast Guard and U.S. Department of the Interior Bureau of Reclamation as cooperating agencies.

SUMMARY: On February 20, 1998, the Dakota, Minnesota and Eastern Railroad Corporation (DM&E) filed an application with the Surface Transportation Board (Board) for authority to construct and operate new rail line facilities in east-central Wyoming, southwest South Dakota, and south-central Minnesota. The project involves approximately 280.9 miles of new rail line construction. Additionally, DM&E proposes to rebuild approximately 597.8 miles of existing rail line along its current system to standards acceptable for operation of unit coal trains. The project would require actions by a number of Federal agencies, including the Board, the U.S. Department of Agriculture Forest Service (USFS), the U.S. Department of Interior Bureau of Land Management (BLM), and the U.S. Army Corps of Engineers (COE), who previously agreed to be cooperating agencies for the EIS. As part of its plans to rebuild its rail line through Pierre, South Dakota, DM&E proposes to rebuild its existing bridge or construct a new bridge over the Missouri River to permit the operation of unit coal trains. The U.S. Coast Guard (USCG) has responsibility and authority to issue bridge permits under the provisions of Section 9 of the Rivers and Harbors Act of 1899, and under the General Bridge Act of 1946. Therefore, in order for DM&E to rebuild or construct a new bridge over navigable waters, it must apply for a permit from the USCG, which in turn would require an environmental review of DM&E's action pursuant to NEPA. The U.S.D.I. Bureau of Reclamation (USBR) is the agency responsible for operation and administration of the Angostura Reservoir and associated irrigation canals and ditches. The USBR works closely with the local irrigation district for repayment of project costs based on water delivered and acres of irrigated land. If this project crosses lands, irrigation ditches or canals under the jurisdiction of the USBR, a permit for such crossings will be required from the USBR prior to construction. Depending on the alternative approved for construction, the USBR may be required to issue a permit, which would normally require environmental review. Consequently, USCG and USBR have agreed to be cooperating agencies for the EIS. The purpose of this Amended Notice of Intent is to notify persons and

agencies interested in or affected by the proposed project of additional USCG and USBR decisions triggered by the project.

SUPPLEMENTARY INFORMATION:

Environmental Review Process

The Board has determined that an Environmental Impact Statement (EIS) must be prepared in accordance with the provisions of the National Environmental Policy Act (NEPA) prior to its decisions on the proposed project.

The Board is the lead agency, pursuant to 40 CFR 1501.5(c), supervising the preparation of the EIS. The USFS, BLM, COE, USCG, and USBR are cooperating agencies, pursuant to 40 CFR 1501.6, and shall adopt the EIS and base their respective decisions on it. The NEPA process is intended to assist the Board, its cooperating agencies, and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. The Board's Section of Environmental Analysis (SEA) is responsible for ensuring that the Board complies with the NEPA, 42 U.S.C. 4321-4335, and related environmental statutes. The EIS should include all of the information necessary for decisions by the Board and the cooperating agencies.

SEA and the cooperating agencies are preparing a Draft EIS (DEIS) for the proposed project. The DEIS will address those environmental issues and concerns identified during the scoping process and detailed in the scope of study. It will also contain a reasonable range of alternatives to the proposed action and recommended environmental mitigation measures. The DEIS will be made available upon its completion for public review and comment. A Final EIS (FEIS) will then be prepared reflecting SEA's further analysis and the comments on the DEIS. In reaching each decision in this case, the agencies will take into account the DEIS, the FEIS, and all public and agency comments received.

FOR FURTHER INFORMATION CONTACT:

Victoria Rutson, Project Manager, Surface Transportation Board, Powder River Basin Expansion Project, 1-877-404-3044;
U.S.D.A. Forest Service, Wendy Schmitzer, (307) 358-4690;
U.S.D.I. Bureau of Land Management, Bill Carson, (307) 746-4453;
U.S. Army Corps of Engineers, Jerry Folkers, (402) 221-4173;
U.S. Coast Guard, Roger Wiebusch, (314) 539-3900, ext. 378;
U.S.D.I. Bureau of Reclamation, Dennis Breitzman, (701) 250-4242, ext. 3101.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,
Secretary.

[FR Doc. 00-739 Filed 1-12-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 143X)]

**Union Pacific Railroad Co.—
Abandonment and Discontinuance of
Trackage Rights Exemption—in
Wright, Franklin and Cerro Gordo
Counties, IA**

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA.¹ The line traverses United States Postal Service Zip Codes 50421, 50449, 50457, and 50479.

UP has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (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 and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C.

¹ Pursuant to 49 CFR 1150.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant in its verified notice, indicated a proposed consummation date of February 7, 2000. Because the verified notice was officially filed upon payment of the required filing fee on December 23, 1999, consummation may not take place prior to February 11, 2000. Applicant's representative has been contacted and has confirmed that consummation may occur no earlier than February 11, 2000.