

supersedes a previous notice published in the May 10, 1996 Federal Register. The May 1996 notice announced the preparation of a Supplemental EIS for only the proposed changes on the west and east segments of the West Eugene Parkway. This revised notice is to announce that the Supplemental EIS will now be prepared for the entire project.

FOR FURTHER INFORMATION CONTACT: Elton Chang, Environmental Engineer, Federal Highway Administration, 530 Center Street N.E., Room 100, Salem, Oregon, 97301, Telephone: (503) 399-5749, Fax (503) 399-5838.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation and the City of Eugene Public Works Department will prepare a supplement to the final environmental impact statement (FEIS) on the proposal to construct an approximately 9.3 kilometers (5.8 miles) east-west thoroughfare as an extension of the 6th and 7th couplet on a new alignment in the City of Eugene. The previous Notice of Intent to supplement the Final Environmental Impact Statement was published in the Federal Register on May 10, 1996. At that time, the intent was to prepare a supplemental EIS to evaluate the impacts caused by changes on the western and eastern ends of the project. That notice was based on a Federal Highway Administration (FHWA) February 29, 1996 approval of an Environmental Re-evaluation submitted by the Oregon Department of Transportation describing activities and proposed actions that had occurred since the approval of the Final Environmental Impact Statement in October 1989. Since the FHWA February 1996 approval, a number of events have occurred which have resulted in the decision to now include the entire project in the Supplement EIS.

The original FEIS (FHWA-OR-EIS-85-05-F) for this roadway was approved on November 20, 1989 and the Record of Decision (ROD) signed on April 4, 1990. The final EIS followed a draft EIS dated October 3, 1985 and a supplemental draft EIS dated June 5, 1986. All three environmental documents were reviewed by the public and interested agencies.

The new proposed roadway would start in the east at Garfield Street and the 6th and 7th Streets couplet near Highway 99W and terminate in the west with a connection to Route 126 approximately 1.1 kilometers (0.7 miles) west of the Oak Hill railroad overpass in Lane County, Oregon. In general, the

new roadway would have four 3.6-meter (12-foot) wide travel lanes and a parkway-type design that would include a 4.3-meter (14-foot) wide landscaped median with 1.2-meter (4-foot) inside shoulders for both roadways, and 2.4-meter (8-foot) wide shoulder/bike lanes on the outside of the travel lanes.

The new proposed roadway would be an important linkage between I-105/I-5 in east Eugene and Highway 126 in the west. The need for an limited access east-west thoroughfare has been documented in land use and transportation plans since 1959 to serve the existing and projected traffic demand resulting from the growth projected in the industrial development of west Eugene. In addition, the parkway would serve the growth in residential development in the Bethel-Danebo Neighborhood to the north of the proposed roadway.

Since the approval of the final EIS and the selection of Alternative 1 (Modified) and the signing of the ROD in 1990, additional coordination and consultation have been done with environmental resource agencies to avoid and minimize project impacts to rare, threatened and endangered species and their habitats found in the project area. As a result of this consultation, a design modification has been proposed for the western 5.2 kilometers (3.25 miles) of the adopted project (slightly east of Terry Street to Highway 126). The FEIS approved design for the western segment of the West Eugene Parkway (WEP) had the alignment south of and parallel to the Southern Pacific railroad line. The western segment is now being proposed to be shifted north of and parallel to the railroad. Initial analysis (October 1994) of the northern design option has found that there would be less direct impacts on the Willamette Valley wet prairie wetlands, a rare habitat type, and the direct impacts to the Western pond turtles, a sensitive species, would be eliminated.

In addition, recent traffic analysis from the City of Eugene has shown that projected traffic for local streets and Highway 99W that the eastern portion of the WEP can best be served by a minor design modification at the intersection with Highway 99W and the approved project. The northbound 99W connection to the westbound new WEP is now proposed to be made by an elevated structure rather than at grade to maintain an acceptable level-of-service.

These two minor design modifications are being proposed to the approved project to further reduce the impacts disclosed in the final EIS. The impacts of the modifications will be examined in

greater detail in the proposed supplemental EIS.

Newsletters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. Public meetings have been held in Eugene to identify issues that should be addressed and to report preliminary findings of the technical studies to the public. In addition, a public hearing will be held following the distribution of the draft supplemental EIS for public and agency review. Public notice will be given of the times and places of all meetings and hearings. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the supplemental EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program)

Issued on: November 1, 1996.

Elton Chang,

Environmental Engineer.

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Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49 Code of Federal Regulations (CFR) §§ 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Palm Leaf Corporation a request for a waiver of compliance with certain requirements of the Railroad Power Brakes and Drawbars regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Palm Leaf Corporation (FRA Waiver Petition Docket Number: PB-96-5)

The Palm Leaf Corporation requests a one year waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations (49 CFR Part 232). Palm Leaf Corporation is

requesting that it be permitted to extend the clean, oil, test and stencil (COT&S) period from 36 months to 48 months for its private railroad passenger car PPCX 800237, which is equipped with 26-C air brake.

Title 49 CFR 232.17 (b)(2) states: "Brake equipment on passenger cars must be cleaned, repaired, lubricated and tested as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than as required in Standard S-045 in the Manual of Standards and Recommended Practices of the AAR." Standard S-045 specifies 36 months for the 26-C type air brake equipment.

The Palm Leaf Corporation requests approval under the same conditions as granted to the National Railroad Passenger Corporation (Amtrak) in FRA Docket No.: H-94-3.

1. That 26-C brake equipment on passenger cars must be cleaned, repaired, lubricated and tested (COT&S) as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than once each 48 months;

2. All passenger cars with 26-C brake equipment must be single car tested in accordance with the current AAR Standard S-044 each time it is on a shop or repair track but not less frequently than once each 12 months.

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 an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number: PB-96-5) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of publication of this notice will be considered by 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 FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on November 7, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

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Maritime Administration

[Docket MSP-003]

OSG Car Carriers, Inc.; Notice of Application Pursuant to Section 656 of the Merchant Marine Act, 1936, as Amended

OSG Car Carriers, Inc. (OSG) by application received October 22, 1996, and supplemented by letter dated November 4, 1996 applied under Section 651, Subtitle B, of the Act for participation in the Maritime Security Program (MSP). In support of its application OSG submitted information pertaining to its level of noncontiguous domestic trade service. Pursuant to section 656 of the Act, the Maritime Administration must determine OSG's level of noncontiguous domestic trade service should it become party to a MSP operating agreement.

In support of its request OSG described its level of service provided in each noncontiguous domestic trade served as of August 9, 1995. The vessels listed below are contract (liquid bulk) carriers, rather than common carriers, and their itineraries are determined by their respective charters. These vessels operate from time to time in the noncontiguous domestic trades between the contiguous 48 States and Alaska, Hawaii, the U.S. Virgin Islands or Puerto Rico and between Alaska and the U.S. Virgin Islands. OSG's submittal of noncontiguous domestic trade service, as well as its affiliates, was provided as follows:

Applicant's Noncontiguous Trade

<i>Name</i>	<i>Dead-weight tonnage</i>
Overseas Boston	120,800
Overseas Juneau	120,500
Overseas Chicago	90,650
Overseas Ohio	90,550
Overseas Washington	90,500
Overseas New York	90,400
Overseas Arctic	62,000
Overseas Alaska	62,000
Overseas New Orleans	42,950
Overseas Philadelphia	42,600
Overseas Vivian	37,800
Overseas Alice	37,800
Overseas Valdez	37,800

OSG further clarified the level of service provided by its affiliates in the noncontiguous domestic trades in the year preceding August 9, 1995 as being 100% of the annual capacity of their entire fleet of U.S. flag tankers, i.e., 926,350 deadweight tons.

OSG states that the Maritime Security Act defines the term "level of service" provided by a contractor [operating non-container Vessels] in a trade as of a date * * *" to mean "the total annual capacity provided by the contractor in that trade for the twelve calendar months preceding that date." [Section 4(h)(1)(A)]. OSG asserts that all of the U.S.-flag tankers operated by the Applicant's affiliates are liquid bulk carriers offered for charter; they are not common carriers that operate on predetermined schedules or itineraries. The movements of the vessels are entirely up to the charterer. The "trade" in which those tankers operate is therefore a worldwide trade, and by inclusion, the noncontiguous domestic trade.

OSG states that the use of 100% of the capacity of tankers utilized in the noncontiguous domestic trade is supported by the proviso of Section 4(h)(1)(A) by which Congress permitted the "level of service" for certain "contract carrier tug and barge service" to be calculated on the basis of 100% of vessel capacity. Where Congress addressed the issue of "level of service" provided by carriers that have no itineraries (which is OSG's case), Congress prescribed a reference to 100% of capacity. Congress states that it has recognized that a definition of "trade" by area, rather than specific ports, is required for bulk vessels. Before 1970, and before bulk carriers were made eligible for subsidy, Section 905(a) of the Merchant Marine Act, 1936, 46 U.S.C. 1244, defined "foreign trade" as "trade between the United States * * * and a foreign country". The Merchant Marine Act of 1970, P.L. 91-469, 91st Cong. 2d Sess., amended the definition in Section 905(a) to "include, in the case of liquid and dry bulk carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such a manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary." As explained in the Senate Report on the Merchant Marine Act 1970, Congress was concerned that "a narrow construction of the [earlier] definition [of foreign trade] might prove unduly restrictive as applied to bulk cargo