

application, we have decided not to consider Aprilia's request as a petition *de novo* but to reissue NHTSA Temporary Exemption No. 99-9 to cover the Scarabeo. Further, for the reason indicated, reissued NHTSA Temporary Exemption No. 99-9 will expire December 1, 2001.

From our review of Aprilia's petitions, we consider the Scarabeo and Leonardo motorcycles to be mechanically similar in all respects relevant to the safety issues involved, differing primarily in their external sheet metal. Paragraph S5.2.1 of Standard No. 123 requires that, if a motorcycle is equipped with rear wheel brakes, those brakes be operable through the right foot control, though the left handlebar is a permissible brake control location for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of both the Leonardo and Scarabeo motorcycles, for the same reasons. Absent an exemption, it will be unable to import and sell the Scarabeo because the vehicle would not fully comply with Standard No. 123.

Aprilia's previous arguments in favor of the Leonardo and our comments on them are set forth in the notice at 64 FR 44264 and are incorporated herein by reference. Aprilia's new petition included copies of reports of brake tests conducted according to Standard No. 122, *Motorcycle Brake Systems*, and under the laws of the United Kingdom. These materials have been filed in the docket.

NHTSA provided an opportunity for public comment on the Leonardo petition on August 28, 1998 (63 FR 46097), and received only one in the more than 11 months that elapsed between the comment notice and the grant notice. That single comment, from Peugeot Motorcycles of France, supported Aprilia's petition.

On November 11, 1999, Aprilia USA informed us that, as of November 1, 1999, it had not imported or sold any Leonardo 150s under the exemption, and requested that we extend the effective date of the exemption accordingly. The company understands that it will not be able to import more than a total of 2,500 exempted Leonardo 150 and Scarabeo 150 motorcycles in any 12-month period that the exemption is in effect.

We have concluded that, given the recent opportunity for public comment, a further opportunity to comment on the same issues is not likely to result in any substantive submissions, and that we may proceed to reissue NHTSA Temporary Exemption No. 99-9 to include the Scarabeo in its coverage. We

hereby incorporate our findings in our initial granting of the petition (64 FR 44264). Accordingly, NHTSA Temporary Exemption No. EX99-9 from the requirement of Item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123, *Motorcycle Controls and Displays*, that the rear wheel brakes be operable through the right foot control, is reissued to cover the Leonardo 150 and Scarabeo 150 motorcycles, and to expire on December 1, 2001.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50).

Issued on: January 3, 2000.

Rosalyn G. Millman,

Acting Administrator.

[FR Doc. 00-422 Filed 1-6-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33786]

New Jersey Transit Corporation— Acquisition Exemption—Certain Assets of Consolidated Rail Corporation

The New Jersey Transit Corporation (NJ Transit), a noncarrier, has filed a verified notice of exemption under 49 CFR Part 1150, Subpart D—*Exempt Transactions*, to acquire from Consolidated Rail Corporation (Conrail) certain physical assets of a 31.83-mile rail line, known as the Bordentown Secondary Track, between Camden (Milepost 1.07) and Trenton, NJ (Milepost 32.9).¹ NJ Transit, which is an instrumentality of the State of New Jersey, proposes to construct and operate a light rail transit system on the line. NJ Transit states that Conrail will retain an easement and continue to operate freight service over the line on behalf of Norfolk Southern Railroad Company (NS), and CSX Transportation, Inc. (CSXT) under the terms of the South Jersey Shared Assets Area Operating Agreement (Agreement) among Conrail, NS and CSXT.² Consummation of the transaction was expected to occur on or after December

¹ NJ Transit simultaneously filed a motion to dismiss the notice of exemption. The Board will address the jurisdictional issue raised by the motion in a subsequent decision.

² The Board approved the Agreement in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (STB served July 23, 1998).

15, 1999, the effective date of the exemption.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. A petition to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33786, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh, LLP, 1350 Eye Street, NW, Suite 200, Washington, DC 20005.

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

Decided: December 30, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 00-194 Filed 1-6-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-33 (Sub-No. 70)]

Union Pacific Railroad Company— Abandonment—Wallace Branch, ID

AGENCY: Surface Transportation Board.
ACTION: Notice of Availability of a Draft Supplemental Environmental Assessment and Request for Comments.

SUMMARY: The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared, and now asks for public review and comment on, a Draft Supplemental Environmental Assessment (Draft Supplemental EA) to complete the environmental review process under the National Environmental Policy Act (NEPA) for this rail abandonment proceeding.

DATES: Written comments on the Draft Supplemental EA are due February 22, 2000 (45 days).

ADDRESSES: Send an original and 10 copies to Vernon A. Williams, Office of the Secretary, Room 711, Surface Transportation Board, 1925 K Street, NW, Washington, DC, 20423-0001, to the attention of Phillis Johnson-Ball. Please refer to Docket No. AB-33 (Sub-

No. 70) in all correspondence addressed to the Board.

FOR FURTHER INFORMATION CONTACT:

Phillis Johnson-Ball, (202) 565-1530 (TDD for the hearing impaired (202) 565-1695). Additional information is contained in the Draft Supplemental EA. To obtain a copy of the Draft Supplemental EA, contact D.C. News & Data, 1925 K Street, NW, Washington, D.C. 20423, phone (202) 289-4357 or visit the Board's website at "WWW.STB.DOT.GOV".

SUPPLEMENTARY INFORMATION: This Draft Supplemental EA addresses the Union Pacific Railroad Company's (UP's) filings with the Board on June 18, 1999 and October 19, 1999, of environmental information required to complete the environmental review process in this rail abandonment proceeding in accordance with the Court's decision in *State of Idaho v. ICC*, 35 F.3d 585 (D.C. Cir. 1994). UP now seeks final approval to salvage (*i.e.*, remove the tracks, ties, and roadbed) the rail lines known as the Wallace-Mullan Branches (Wallace Branch) in Benewah, Kootenai and Shoshone Counties, Idaho outside of the Bunker Hill Superfund Site (BHSS).¹

To meet its obligations under NEPA, SEA has completed its independent review of the material submitted by UP and has prepared this Draft Supplemental EA to address UP's environmental information and evaluate (1) whether the six environmental conditions previously imposed by the Interstate Commerce Commission (ICC)² are met and (2) whether the environmental concerns regarding salvage activity raised during the course of the environmental review process

have now been appropriately addressed and resolved. The document also contains SEA's preliminary recommendations for mitigating the potential environmental impacts from salvage activity that have been identified.

Based on SEA's independent evaluation of all the available information, SEA preliminarily concludes that the material provided by UP is sufficient to satisfy five of the six environmental conditions imposed by the ICC to ensure that, prior to salvage of the line, the potential significance of environmental effects related to the proposed track salvage will have been properly evaluated.³ Furthermore, SEA concludes, based on the available information and the input of other agencies and government entities with specialized expertise, that if UP complies with the mitigation in the Engineering Evaluation/Cost Analysis and the Track Salvage Work Plan that were issued and approved by EPA, and the Biological Assessment prepared by UP and approved by the U.S. Fish and Wildlife Service, and if the additional mitigation SEA recommends in this Draft Supplemental EA is imposed and implemented by UP, UP's proposal to salvage the Wallace Branch would not have significant adverse environmental impacts.

SEA encourages the general public and interested agencies, government entities, and parties to participate in the environmental review of UP's salvage proposal by commenting on this Draft Supplemental EA during the 45-day comment period which ends February 22, 2000. SEA seeks public input on all aspects of this Draft Supplemental EA, as well as on the Board's environmental review process, so that SEA can assess public concerns and issues related to the UP proposal and determine whether additional environmental analysis and mitigation are necessary to analyze and effectively mitigate the potential environmental impacts that could occur as a result of track salvage activity on this line.

SEA will fully consider all comments that it receives in preparing final environmental recommendations to the Board, which will be based on further documentation and analysis, if any is needed. The Board then will consider the entire environmental record, the Draft Supplemental EA, all public

comments, and SEA's Post EA recommendations, including SEA's final recommended environmental mitigation before issuing a decision either granting or denying UP final authority to salvage the portion of the Wallace Branch outside of the BHSS. In that decision, if UP's proposal is approved, the Board will impose any environmental conditions it deems appropriate.

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

Vernon A. Williams.

Secretary.

[FR Doc. 00-418 Filed 1-6-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of Customs duties. For the quarter beginning January 1, 2000, the interest rates for overpayments will be 7 percent for corporations and 8 percent for non-corporations, and the interest rate for underpayments will be 8 percent. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT:

Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298-1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 was amended (at paragraph (a)(1)(B) by the Internal Revenue Service Restructuring and Reform Act of 1998, Pub. L. 105-206, 112 Stat. 685) to provide different interest rates applicable to

¹ The 71.5-mile line extends from milepost 16.5 near Plummer, to milepost 80.4, near Wallace, and then to milepost 7.6, near Mullan, in Benewah, Kootenai, and Shoshone Counties, Idaho. The line traverses the U.S. Postal Service zip codes 83851, 83861, 83833, 83810, 83839, 83837, 83846, and 83846. The Wallace Branch no longer has stations because rail service has already been discontinued. The 7.9-mile section of right-of-way within the BHSS was addressed in the BHSS Record of Decision (EPA 1992) and is not part of the salvage proposal before the Board. Section 121(e)(1), 42 U.S.C. 9261(e)(1), relieves railroads of the requirement to obtain Board approval to abandon the portions of rail lines within Superfund sites if they do so in connection with remediation actions carried out in compliance with the Comprehensive Environmental Response, Compensation and Liability Act.

² The ICC Termination Act of 1995 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the ICC and established the Board to assume some regulatory functions involving rail transportation matters that the ICC had administered, including the functions involving the abandonment of rail service at issue here. The ICC's six environmental conditions required consultation and possible permitting and review by appropriate agencies with specialized expertise prior to any salvage activity on this line.

³ The only condition that has not yet been satisfied is the ICC's Environmental Condition No. 6, involving historic preservation. SEA recommends that the Board impose a modified historic preservation condition on any decision approving salvage to ensure completion of the historic review process.