

by the industry without the need for FRA waivers. AAR states that, of course, this type of product improvement will continue with FBF's also.

In conclusion, the petition states that the granting of this waiver request concerning revenue service use of FBF crossing diamonds is necessary for implementation of a technological improvement in railway engineering.

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 1999-5104) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date 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 (9:00 a.m.-5:00 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>.

Issued in Washington, DC, on January 3, 2000.

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

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 00-709 Filed 1-11-00; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being

requested, and the petitioner's arguments in favor of relief.

#### **Chesaning Central & Owosso Railroad; Waiver Petition Docket Number FRA-1999-5793**

Chesaning Central & Owosso Railroad seeks a permanent waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR part 223, which requires certified glazing, for its road switcher, locomotive CC&O 1508, ALCO RS-3, built in 1954.

Locomotive CC&O 1508 is utilized as a locomotive for a tourist train operation, which operates strictly in a captive rural farm area and does not exceed 25 mph at any time during its operation, which is seasonal.

The reason for this request for relief is economical. The cost to retrofit the locomotive with updated window frames and glazing would cause an economical burden that this rail operation is unable to bear.

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 1999-5793) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date 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 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>.

Issued in Washington, DC on January 3, 2000.

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

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 00-711 Filed 1-11-00; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### **Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236**

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have 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 No. FRA-1999-6516*

*Applicant:* Burlington Northern and Santa Fe Railway, Mr. William G. Peterson, Director Signal Engineering, 4515 Kansas Avenue, Kansas City, Kansas 66106.

Burlington Northern and Santa Fe Railway seeks approval of the proposed reduction of the traffic control system limits, on the North and South Fast Tracks between AY Tower, CP39, milepost 3.9 and CP50, milepost 5.0, on the Kansas City Division, Emporia Subdivision, near Kansas City, Kansas. The proposed changes include the discontinuance and removal of two holding signals at CP50, removal of the No.5 power-operated switch at CP39, and relocation of the begin/end CTC to milepost 3.9.

The reason given for the proposed changes is to make track changes near AY Tower to allow for improved access to the Diesel Shops.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protester 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, 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 DOT Central Docket Management Facility,

Room PI-401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590-0001. 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 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.*

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## 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]

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## 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.*

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## 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.