

**ADDRESSES:** Send all comments on the proposed Technical Standard Order to: Airworthiness Programs Branch, AFS-610, Regulatory Support Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 26460, Oklahoma City, OK 73125-0460, or deliver comments to: Federal Aviation Administration, Mike Monroney Aeronautical Center, ARB Room 304A, 6500 S. MacArthur Boulevard, Oklahoma City, OK 73169. Comments must identify the TSO file number.

**FOR FURTHER INFORMATION CONTACT:** Ray Brown, Airworthiness Programs Branch, AFS-610, Regulatory Support Division, Flight Standards Service, Federal Aviation Administration, P.O. Box 26460, Oklahoma City, OK 73125-0460, Telephone No. (405) 954-6915 or FAX No. (405) 954-4104.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments, as they desire to the address specified. Comments received on the proposed Technical Standard Order may be examined, before and after the comment closing date, in ARB Room 304A, Mike Monroney Aeronautical Center, 6500 S. MacArthur Boulevard, Oklahoma City, OK 73169, weekdays, except Federal holidays, between 8:00 a.m. and 4:00 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

##### **Background**

Current TSO-C53a, "Fuel and Engine Oil System Hose Assemblies," and TSO-C75, "Hydraulic Hose Assemblies," were issued in the early 1960s and have not been updated or revised to reflect the use of new materials and manufacturing methods. Proposed TSO-C140 would clearly define and identify improved materials and hose designs that would satisfy the service parameters for flexible hose assemblies used in current aviation applications. The standards of TSO-C140 would apply to any model of aerospace fuel, engine oil, or hydraulic fluid hose assembly for which a TSO application is submitted after the effective date of the TSO.

Revision B of the Society of Automotive Engineers, Inc. (SAE) Aerospace Standard Document No. 150 (AS150 REV B), "Hose Assembly, Type Classifications of, Basic Performance and Fire Resistance," is referenced in

proposed TSO-C140 to establish performance standards and test conditions for hose assemblies. Representative samples of fire resistant and fireproof hose assemblies would be required to meet the test conditions specified in SAE AS1055 REV D, "Fire Testing of Flexible Hose, Tube Assemblies, Coils, Fittings, and Similar System Components."

Hose assemblies currently approved under a TSO-C53a or TSO-C75 authorization could continue to be manufactured under the provisions of their original approval. Per 14 CFR § 21.611(b), any major design change to a hose assembly previously approved under TSO-C53a or TSO-C75 would require a new authorization under the proposed TSO.

##### **How to Obtain Copies**

A copy of the proposed TSO-C140 may be electronically obtained via the Internet (<http://www.faa.gov/avr/air/air100/100home.htm>) or requested from the FAA office listed under **FOR FURTHER INFORMATION CONTACT**. Copies of AS150 REV B, AS1055 REV D, and other SAE documents referenced in AS150 REV B may be purchased by mail from the Society of Automotive Engineers Inc., 400 Commonwealth Drive, Warrendale, PA 15096; by phone at (724) 776-4970; or by FAX at (724) 776-0790. Computer users with Internet access may place an order at Internet browser address: <http://www.sae.org/products/standards/stdsinfo/standard.htm>.

Issued in Washington, DC on December 17, 1999.

**James C. Jones,**

*Manager, Aircraft Engineering Division,  
Aircraft Certification Service.*

[FR Doc. 00-96 Filed 1-3-00; 8:45 am]

**BILLING CODE 4910-13-M**

#### **DEPARTMENT OF TRANSPORTATION**

##### **Research and Special Programs Administration**

**[Docket RSPA-98-4957; Notice 17]**

##### **Notice of Extension of Existing Information Collection**

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Request for OMB approval and public comments.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the Research and Special Programs Administration's (RSPA) published its intention to renew an existing information collection in support of the Office of Pipeline Safety (OPS) for Management Information

System (MIS) Standardized Data Collection and Reporting of Drug Testing Materials (October 22, 1999, 64 FR 57183). No comments were received. The purpose of this notice is to allow the public an additional 30 days from the date of this notice to send in their comments.

RSPA believes that its drug testing requirements are an important tool for operators to monitor drug usage in the industry. RSPA has found that drug use in the pipeline industry is less than 1% of employees.

**DATES:** Comments on this notice must be received on or before February 3, 2000 to be assured of consideration.

**ADDRESSES:** Comments should identify the docket number of this notice, RSPA-98-4957, and be mailed directly to Office of Regulatory Affairs, Office of Management and Budget, ATTN: RSPA Desk Officer, 726 Jackson Place, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6205 or by electronic mail at [marvin.fell@rspa.dot.gov](mailto:marvin.fell@rspa.dot.gov).

##### **SUPPLEMENTARY INFORMATION:**

*Title:* Management Information System (MIS) Standardized Data Collection and Reporting of Drug Testing Materials.

*OMB Number:* 2137-0579.

*Type of Request:* Extension of an existing information collection.

*Abstract:* Drug abuse is a major societal problem and it is reasonable to assume the problem exists in the pipeline industry as it does in society as a whole. The potential harmful effect of drug abuse on safe pipeline operations warrants imposing comprehensive drug testing regulations on the pipeline industry. These rules are found in 49 CFR 199. These regulations require annual information collection of the results of the drug testing program.

*Respondents:* Pipeline operators.

*Estimated Number of Respondents:* 2,419.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 8,264.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 from 9 a.m. to 5 p.m., Monday through Friday except Federal holidays. They also can be viewed over the Internet at <http://dms.dot.gov>.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC on December 29, 1999.

**Richard B. Felder,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 00-93 Filed 1-3-00; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33842]

**Canadian National Railway Company, Grand Trunk Western Railroad Incorporated, Illinois Central Railroad Company, Burlington Northern Santa Fe Corporation, and The Burlington Northern and Santa Fe Railway Company—Common Control**

**AGENCY:** Surface Transportation Board.

**ACTION:** Decision No. 1; Notice of prefiling notification.

**SUMMARY:** Pursuant to 49 CFR 1180.4(b), Burlington Northern Santa Fe Corporation (BNSFC) and The Burlington Northern and Santa Fe Railway Company (BNSFR),<sup>1</sup> and Canadian National Railway Company (CNR), Grand Trunk Western Railroad Incorporated (GTW), and Illinois Central Railroad Company (IC),<sup>2</sup> have notified the Surface Transportation Board (Board) of their intention to file an application<sup>3</sup> seeking Board authorization under 49 U.S.C. 11323-25 and 49 CFR part 1180 for a "major" transaction<sup>4</sup> (hereinafter referred to as the BNSF/CN transaction) under which

BNSF and CN would be brought under common control.

**ADDRESSES:** An original and 25 copies of all documents<sup>5</sup> filed in this proceeding must refer to STB Finance Docket No. 33842 and must be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 33842, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each document filed in this proceeding must be sent to the Administrative Law Judge (ALJ) who will be assigned to entertain and rule upon all disputes concerning discovery in this proceeding, and to each of applicants' representatives: (1) Erika Z. Jones, MAYER, BROWN & PLATT, 1909 K Street, N.W., Washington, DC 20006-1101 (representing BNSF); and (2) Paul A. Cunningham, HARKINS CUNNINGHAM, 801 Pennsylvania Avenue, N.W., Suite 600, Washington, DC 20004-2664 (representing CN).

**FOR FURTHER INFORMATION CONTACT:** Julia M. Farr, (202) 565-1613. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** In the notice of intent (BN/CN-1) filed December 20, 1999, applicants have advised that, on December 18, 1999, BNSFC and CNR entered into a Combination Agreement, a Plan of Arrangement, a Co-Operation Agreement, and a Voting and Exchange Trust Agreement (VETA), under which, subject to Board authorization and other conditions: (1) BNSFC will become a wholly owned subsidiary of a new parent company named North American Railways, Inc. (NAR), which will also acquire (in addition to its 100% interest in BNSFC) all of the equity in CNR<sup>6</sup> and a 10.1% voting right in CNR; (2) BNSFC shareholders will receive, for each share of their BNSFC common stock, a "stapled" unit consisting of one share of NAR common stock plus one share of CNR voting stock; (3) CNR shareholders will receive, for each share of their CNR common stock, 1.05 "stapled" units, each consisting of, at the option of the holder, either (a) one share of NAR common stock plus one share of CNR voting stock, or (b) one share of CNR nonvoting exchangeable preferred stock (exchangeable at the option of the holder into one share of NAR common stock) plus one share of CNR voting stock;<sup>7</sup> (4) NAR will receive 100% of

CNR's limited voting equity shares, entitling NAR, as the holder, to a vote equal to 10.1% of the total number of votes to be cast by the holders of CNR's outstanding voting shares;<sup>8</sup> and (5) The Trust Company of the Bank of Montreal, as trustee under the VETA, will receive NAR's special voting share entitling the trustee to a number of votes at NAR's shareholder meetings equal to the number of outstanding shares of CNR's exchangeable preferred stock.<sup>9</sup> Applicants have further advised: that NAR, BNSF, and CN will be operated under the direction of the boards of directors of NAR and CNR, which will be identical after closing of the BNSF/CN transaction; that NAR's Chairman and its Chief Executive, Chief Operating, and Chief Financial Officers will serve in those same capacities at CNR; that NAR and CNR will have, at all times, the same shareholder base; that the NAR/CNR stapled units will continue to be publicly traded; and that each stapled unit will have the same voting power and economic interest in the combined enterprise.<sup>10</sup>

### Major Transaction Status

The Board finds that the BNSF/CN transaction is a "major transaction," as defined at 49 CFR 1180.2(a), because, if implemented, it will bring under common control the Class I railroad now controlled by BNSFC (BNSFR) and the Class I railroads now controlled by CNR (GTW and IC). The BNSF/CN

taxation; that, since the exchange, but not the receipt, of these shares will be taxable for Canadian tax purposes, the holders will in effect be given a choice as to whether, when, and to what extent they will exchange their CNR exchangeable preferred shares for NAR common shares; and that, by comparison, U.S. residents would be expected to elect to receive the NAR common stock at the outset because, under U.S. tax laws, such receipt will be essentially nontaxable to U.S. residents for federal income tax purposes and, on an ongoing basis, will not be subject to Canadian withholding tax. Applicants have further advised that the dividend rights of the holders of CNR's exchangeable preferred shares will be maintained in economic parity with the dividend rights of the holders of NAR's common shares.

<sup>8</sup> Applicants have advised that NAR's 10.1% voting right in CNR will permit NAR to claim foreign tax credits for federal income tax purposes with respect to Canadian income taxes payable by CNR, which will reduce the federal income taxes payable by NAR with respect to dividends and other income received by NAR from CNR.

<sup>9</sup> Applicants have advised that the holders of CNR's exchangeable preferred shares will direct the trustee as to the voting of the NAR special voting share; and that this arrangement will give them the same vote at NAR shareholder meetings as if they were the direct owners of NAR common shares.

<sup>10</sup> Applicants have advised that, as respects the "stapled" units that will be received by BNSFC shareholders and also as respects the "stapled" units that will be received by CNR shareholders, the term "stapled" is intended to mean that the shares in each such unit are "stapled" together and cannot be traded or otherwise disposed of separately.

<sup>1</sup> BNSFC and BNSFR are referred to collectively as BNSF.

<sup>2</sup> CNR, GTW, and IC are referred to collectively as CN.

<sup>3</sup> BNSF and CN are referred to collectively as applicants.

<sup>4</sup> A major transaction is one under 49 U.S.C. 11323 involving the merger or control of two or more Class I railroads.

<sup>5</sup> In addition, parties must submit electronic copies, which we discuss in detail further below.

<sup>6</sup> Applicants have advised that only NAR will have a common equity interest in CNR.

<sup>7</sup> Applicants have advised that the exchangeable preferred shares are expected to be attractive to Canadian residents because such shares will permit such residents, among other things, to defer