

### Federal Interest in Acquiring Land or Facility

This document implements the requirements of 49 U.S.C. 5334(g)(1)(D) of the Federal Transit Laws. Accordingly, FTA hereby provides notice of the availability of the asset further described below. Any Federal agency interested in acquiring the affected land and improvements thereon should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing land and improvements thereon, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(g)(1)(A) through (C) are met before permitting the asset to be transferred.

### Additional Description of Land or Facility

The property contains approximately 75,882 square feet, or 1.74 acres, of land and improvements thereon situated at Marion Drive and Copper Beech Drive in Kingston, Massachusetts. The MBTA constructed a road and cul-de-sac across the parcel from Marion Drive to Copper Beech Drive for emergency access to Kingston Station and Layover Facility and will retain an easement in the road. The area east of the road is level and landscaped. A retention pond is located west of the road. The area west of the pond is steeply sloped up to the adjacent property. The MBTA also constructed a water main along the southwest side of the parcel.

Issued on: December 14, 1999.

**Richard H. Doyle,**

*Regional Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6632; Notice 1]

### Ford Motor Co.; Receipt of Application for Decision of Inconsequential Noncompliance

Ford Motor Company (Ford) has determined that certain 2000 model year Ford Focus vehicles it produced are not in full compliance with 49 CFR 571.135, Federal Motor Vehicle Safety Standard (FMVSS) No. 135, "Light Vehicle Brake Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Ford 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.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.4.3(b) of FMVSS No. 135 states that the brake fluid warning statement lettering shall be "located so as to be visible by direct view, either on or within 100 mm (3.94 inches) of the brake fluid reservoir filler plug or cap." Ford manufactured approximately 11,000 model year 2000 Focus vehicles that may not comply with the requirement that the brake fluid label be located within 100 mm of the reservoir filler plug or cap. The vehicles were manufactured between October 7, 1999 and October 20, 1999. According to Ford, the location of the labels containing the required lettering was not controlled and, while clearly visible by direct view, some labels were located such that the lettering is 120 to 130 mm distance from the reservoir filler cap. Ford believes this condition to be inconsequential as it relates to motor vehicle safety.

Ford stated in its Petition that the noncompliance was precipitated by a production change. Prior to the production change, the labels were affixed by Ford during vehicle assembly. The production change resulted in the brake fluid warning labels being affixed by the supplier of the vehicle component on which the labels are mounted. The supplier was not aware of the importance of the positioning of the brake fluid warning label on the vehicle component.

Ford's petition included a brake fluid warning label of the type affixed to the 2000 model year Focus. Ford also provided photographs of an engine compartment in which the label is properly located (approximately 75 mm from the brake fluid reservoir cap) and an engine compartment with an improperly located label. Ford supported its claim that the noncompliance is inconsequential by stating that the subject labels meet all other federal requirements, and the location of these labels does not present reasonably anticipated risks to motor vehicle safety.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC

20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: January 19, 2000.

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

Issued on: December 14, 1999.

**Stephen R. Kratzke,**

*Acting Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### Office of Motor Carrier Safety

[OMCS Docket No. OMCS-99-6354]

### Controlled Substances and Alcohol Use and Testing; PacifiCorp Electric Operations' Exemption Application; Random Testing of Drivers

**AGENCY:** Office of Motor Carrier Safety (OMCS), DOT.

**ACTION:** Notice of application for exemption and proposal to deny exemption; request for comments.

**SUMMARY:** The OMCS is announcing its proposal to deny the application of PacifiCorp Electric Operations (PacifiCorp) for an exemption from the OMCS' controlled substances and alcohol random testing requirements in the Federal Motor Carrier Safety Regulations (FMCSRs). PacifiCorp has requested an exemption because the company believes it has a low percentage of positive random test results since testing was initiated. PacifiCorp's positive rate for random controlled substances tests is 1 percent and its positive rate for random alcohol tests is 0.8 percent. The company requested regulatory relief but did not offer alternatives that would have comparable deterrent effects. The OMCS intends to deny the exemption because PacifiCorp did not explain how it would achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the random controlled substances and alcohol testing requirements.