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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.

[FR Doc. 00-710 Filed 1-11-00; 8:45 am]

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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.