

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket No. FRA-1999-6404]****Extension of Comment Period; Petition for Grandfathering of Non-Compliant Equipment; National Railroad Passenger Corporation**

On October 18, 1999, the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) for grandfathering of non-compliant passenger equipment manufactured by Renfe Talgo of America (Talgo) for use on rail lines between Vancouver, British Columbia and Eugene, Oregon; between Las Vegas, Nevada and Los Angeles, California; and between San Diego, California and San Luis Obispo, California. Notice of receipt of such petition was published in the **Federal Register** on November 2, 1999, at 64 FR 59230. Interested parties were invited to comment on the petition before the end of the comment period of December 2, 1999.

On December 2, 1999, FRA extended the comment period in this proceeding until December 15, 1999, following a Freedom of Information Act (FOIA) request that certain items in FRA files referenced in Amtrak's petition be made available for review (see 64 FR 68195; Dec. 6, 1999). Talgo has objected to release of certain of the requested information under FOIA exemption 4 (5 U.S.C. 552(b)(4)), which exempts from release trade secrets and commercial or financial information obtained from a person that is privileged or confidential. On December 15, 1999, FRA further extended the comment period in this proceeding until 10:00 a.m. on December 27, 1999 to enable FRA to finalize its response to the FOIA request, and to permit the responder time to analyze the documents released by FRA (see 64 FR 71846; Dec. 22, 1999). Unfortunately, processing the FOIA request has taken longer than anticipated; FRA released documents on November 30, December 10, and December 21. FRA has redacted from the documents released information that is protected under FOIA exemption 4. The FOIA commenter has appealed to the FRA Administrator FRA's decision to redact certain of the information contained in the requested documents; FRA is processing this appeal.

On December 13, the FOIA requester again asked FRA to further extend the comment period so that the requester would have 15 days after receipt of all of the requested documents to analyze the documents and prepare comments

on the grandfather petition. FRA agreed to this request and on December 23, 1999, extended the comment period to the close of business on January 10, 2000 (see 64 FR 73602; Dec. 30, 1999).

FRA has placed in the docket for this proceeding a copy of the documents provided to the FOIA requester for this request. FRA has also placed in the docket several documents that it received from Talgo that are relevant to the Amtrak petition. Two of these documents contain comments or corrections to the minutes of the June 17, 1999 meeting between FRA, Amtrak and Talgo; the minutes of this meeting was one of the documents released to the FOIA requester. Another document contains weld information pertaining to the Talgo equipment. The remaining documents contain design changes to the Talgo equipment requested by FRA. Talgo has requested confidential treatment, under exemption 4 of FOIA, for certain information in the documents. FRA has redacted from the Talgo documents information that is protected by exemption 4.

On January 4, 2000, the FOIA requester made a further request for documents related to Amtrak's petition. FRA is currently processing this request; while a partial response was provided on January 6, 2000, the full response will not be complete before January 10. On January 7, the FOIA requester asked that FRA extend the comment period. FRA is extending the comment period until January 31, 2000, to enable FRA time to respond to the FOIA request in full, and to permit the responder time to analyze the documents released by FRA. FRA expects that further extensions of the comment period will not be necessary.

FRA will place in the docket a copy of the documents provided to the FOIA requester for this further request. Unredacted versions of all of the documents placed in the docket are available to agency staff and will be used in the agency's review of the Amtrak petition to the extent deemed necessary.

Comments received after January 31, 2000 will be considered to the extent possible. Amtrak's petition, documents inserted in the docket, and all written communications concerning this proceeding are available for examination during regular business hours (9:00 a.m. to 5:00 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh, S.W., Washington, D.C. 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>.

Issued in Washington, DC on January 7, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION**Maritime Administration****Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review**

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 1, 1999 [64 FR 58905].

DATES: Comments must be submitted on or before February 14, 2000.

FOR FURTHER INFORMATION CONTACT: Jean McKeever, Office of Ship Financing, Room 8122, Maritime Administration, MAR-770, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5744 or FAX 202-366-7901. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Capital Construction Fund and Exhibits.

OMB Control Number: 2133-0027.

Type of Request: Extension of currently approved collection.

Affected Public: Owners and operators of U.S.-flag vessels.

Form (s): None.

Abstract: This information collection consists of application for a Capital Construction Fund (CCF) agreement under section 607 of the Merchant Marine Act, 1936 as amended, and annual submissions of appropriate schedules and exhibits. The Capital Construction Fund is a tax-deferred ship construction fund that was created to assist owners and operators of U.S.-flag vessels in accumulating the large amount of capital necessary for the