

with all applicable Federal motor vehicle safety standards, including those for which dynamic crash testing is prescribed.

By submitting the petition at issue, AAS is requesting that NHTSA reevaluate this policy for an RHD vehicle that is manufactured in the same plant, and on the same assembly line, as its U.S.-certified counterpart. In processing this petition, we have decided that a comment period of 45 days is necessary to afford interested parties an opportunity to respond to the issues that it raises. We are particularly interested in comments concerning the likelihood that the RHD vehicle at issue, which is assembled on the same assembly line as its U.S.-certified LHD counterpart, would, by virtue of that fact, perform the same as the U.S.-certified vehicle in dynamic crash tests as well as crash avoidance tests.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 04-18483 Filed 8-11-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34526]

#### Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to a modified trackage rights agreement governing Union Pacific Railroad Company's (UP)<sup>1</sup> overhead trackage

<sup>1</sup> UP submitted, as Exhibit 2 to the notice of exemption, a draft agreement. On August 5, 2004,

rights over a BNSF line of railroad between BNSF milepost 1406.3 near Dover, ID, and BNSF milepost 1402.41 near Sandpoint, ID, including to ES 49+88.2, a total distance of approximately 5.24 miles.<sup>2</sup> The modified agreement will change the compensation and maintenance terms of an existing 1992 Agreement.

The transaction was scheduled to be consummated on July 30, 2004.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34526, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Robert T. Opal, General Commerce Counsel, 1400 Douglas Street, Stop 1580, Omaha, NE 68179.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 6, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 04-18447 Filed 8-11-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-307 (Sub-No. 5X)]

#### Wyoming and Colorado Railroad Company, Inc.—Abandonment Exemption—in Carbon County, WY

On July 23, 2004, Wyoming and Colorado Railroad Company, Inc. (WYCO) filed with the Board a petition under 49 U.S.C. 10502 for exemption

UP filed a copy of the final agreement, dated July 30, 2004, as executed by the parties.

<sup>2</sup>The trackage rights were originally exempted in *Union Pacific Railroad Company and Burlington Northern Railroad Company—Joint Relocation Project Exemption*, Finance Docket No. 32081 (ICC served July 2, 1992).

from the provisions of 49 U.S.C. 10903 to abandon a 23.71-mile line of railroad between milepost 0.57, near Walcott and milepost 24.28, at Saratoga, in Carbon County, WY. The line traverses United States Postal Service Zip Codes 82331 and 82335 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 10, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than September 1, 2004. Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-307 (Sub-No. 5X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001, and (2) Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005. Replies to the WYCO petition are due on or before September 1, 2004.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and

upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition.

The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: August 4, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 04-18150 Filed 8-11-04; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Funding Opportunity Title: Notice of Allocation Availability (NOAA) Inviting Applications for the CY 2005 Allocation Round of the New Markets Tax Credit Program

*Announcement Type:* Initial announcement of tax credit allocation availability.

*Dates:* Electronic applications must be received by 5 p.m. ET on October 6, 2004. Paper applications must be postmarked on or before October 6, 2004 and received by 5 p.m. ET on October 14, 2004 (see Section IV.D. of this NOAA for more details). Applications must meet all eligibility and other requirements and deadlines, as applicable, set forth in this NOAA. Allocation applicants that are not yet certified as community development entities (CDEs) must submit an application for certification as a CDE that is postmarked on or before September 8, 2004 and received by 5 p.m. ET on September 15, 2004 (see Section III. of this NOAA for more details).

*Executive Summary:* This NOAA is issued in connection with the calendar year 2005 tax credit allocation round of the New Markets Tax Credit (NMTC) Program, as authorized by Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (the Act). Through the NMTC Program, the Community Development Financial Institutions Fund (the Fund) provides authority to CDEs to offer an incentive to investors in the form of a tax credit over seven years, which is expected to stimulate the provision of

\$15 billion in private investment capital that, in turn, will facilitate economic and community development in Low-Income Communities. In this NOAA, the Fund addresses specifically how an entity may apply to receive an allocation of NMTCs, the competitive procedure through which NMTC Allocations will be made, and the actions that will be taken to ensure that proper allocations are made to appropriate entities.

#### I. Allocation Availability Description

##### A. Programmatic Improvements

In the first two allocation rounds of the NMTC Program, the Fund received total allocation requests in excess of \$56 billion when the total allocation authority available was \$6 billion. In this NOAA, the Fund intends to target its resources by providing allocations first to those highly qualified applicants that have demonstrated the most compelling and innovative business strategies and/or have committed to achieving the most challenging impacts in Low-Income Communities. As further described in Section V. B of this NOAA, applicants must demonstrate that they are minimally qualified under each of the four review criteria (Business Strategy; Capitalization Strategy; Management Capacity and Community Impact) in order to be considered for an allocation. In addition, in prioritizing awards, the Fund will give greater weight to the elements contained in each applicant's Business Strategy and Community Impact sections. The Fund believes that this programmatic focus is warranted because it helps direct resources to CDEs that are pursuing innovative business strategies that are likely to result in significant and demonstrable community impact.

The Fund also has determined that, given the historical level of interest in the NMTC Program and the lower level of tax credit authority the Fund can allocate in 2005, it is prudent to set general limitations on the size of individual allocation amounts. As stated in Section II. A. of this NOAA, the Fund generally will not provide more than \$150 million of allocation authority to any single applicant in this application round.

Finally, the Fund has modified certain eligibility requirements relating to prior Allocatees wishing to apply for an additional allocation in this CY 2005 allocation round. In the CY 2003-2004 allocation round, prior Allocatees had to demonstrate that at least 50 percent of their Qualified Equity Investments had been issued. In this CY 2005 allocation round, under certain circumstances, a

prior Allocatee wishing to apply for an additional allocation will be permitted to use legally binding investor commitments as well as Qualified Equity Investments in order to meet the eligibility requirements. These requirements are more fully described in Section III. 2 of this NOAA.

##### B. Program Guidance and Regulations

This NOAA provides guidance for the application and allocation of NMTCs for the third round of the NMTC Program and should be read in conjunction with: (i) Guidance published by the Fund on how an entity may apply to become certified as a CDE (66 FR 65806, December 20, 2001); (ii) the temporary regulations issued by the Internal Revenue Service (26 CFR 1.45D-1T, published on December 26, 2001, and amended on March 11, 2004) and related guidance; and (iii) the application and related materials for this third NMTC Program allocation round. All such materials may be found on the Fund's Web site at <http://www.cdfifund.gov>. The Fund encourages applicants to review these documents. Capitalized terms used but not defined in this NOAA shall have the respective meanings assigned to them in the allocation application, the Act or the IRS temporary regulations.

#### II. Allocation Information

##### A. Allocation Amounts

The Fund expects that it may allocate to CDEs the authority to issue to their investors up to the aggregate amount of \$2.0 billion in equity as to which NMTCs may be claimed, as permitted under IRC § 45D(f)(1)(C). The Fund anticipates that, under this NOAA, it will not issue more than \$150 million in tax credit allocation authority per applicant. The Fund, in its sole discretion, reserves the right to allocate amounts in excess of or less than the anticipated maximum allocation amount if the Fund deems it appropriate. In order to receive an allocation in excess of \$150 million, an applicant will likely need to demonstrate, for example, that: (i) No part of its strategy can be successfully implemented without an allocation in excess of \$150 million; or (ii) its strategy will produce extraordinary community impact. The Fund reserves the right to allocate tax credit authority to any, all or none of the entities that submit an application in response to this NOAA, and in any amount it deems appropriate.