

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Rapid City Region Airport, Rapid City, South Dakota**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Intent to Rule on Application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rapid City Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

**DATES:** Comments must be received on or before March 3, 2000.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administrator, Bismarck Airports District Office, 2000 University Drive, Bismarck, North Dakota 58504.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bradley A. Hagen, Executive Director, of the Rapid City Regional Airport at the following address: Rapid City Regional Airport, 4550 Terminal Road, Suite 102, Rapid City, South Dakota 57701-8706.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Rapid City Regional Airport under section 158.23 of Part 158.

**FOR FURTHER INFORMATION CONTACT:** Ms. Irene R. Porter, Manager, Bismarck Airports District Office, 2000 University Drive, Bismarck, North Dakota 58504, (701) 250-4385. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rapid City Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 6, 2000, the FAA determined that the application to

impose and use the revenue from a PFC submitted by the Rapid City Regional Airport was substantially complete with the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 8, 2000.

The following is a brief overview of the application.

*PFC application number:* 00-02-C-00-RAP.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* April 1, 2000.

*Proposed charge expiration date:* June 30, 2003.

*Total estimated PFC revenue:* \$1,791,732.00.

*Brief description of proposed project(s):* (1) Friction Measuring Device; (2) Access Control Security System; (3) Extend Runway 14 Safety Area & Relocate Road C232; (4) Correct ILS Critical Area for Runway 32; (5) ARFF HVAC Improvements; (6) Airfield Regulators; (7) Snow Removal Equipment (SRE) Storage Facility; (8) Covered Passenger Boarding Walkway Acquisition; (9) Computerized Airfield Lighting Controls; (10) Air Carrier Terminal Building EPS/UPS; (11) General Aviation Taxiways Rehabilitation Project; (12) General Aviation Airport Entrance Road Rehabilitation Project; (13) Asphalt Paving Projects—Alpha and Alpha 3 Taxiways; (14) Airport Entrance Road Rehabilitation; (15) High Intensity Runway Lighting (16) Aircraft Rescue Fire Fighting (ARFF) Vehicle Acquisition; (17) Passenger Loading Bridge (Jetway) Acquisition; (18) Flight Information Display System (FIDS); (19) Snow Blower Acquisition; (20) Snow Removal Equipment (SRE) Acquisition—Plow/Truck/Spreader; (21) Snow Removal Equipment (SRE) Acquisition—Plow/Truck/Spreader; (22) Snow Removal Equipment (SRE) Acquisition—Loader with Ramp Bucket/Plow; (23) Runway 14/32 Rehabilitation Project; (24) Terminal Apron Rehabilitation; and (25) Runway 5/23 Rehabilitation. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators Filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Rapid City Regional Airport.

Issued in Des Plaines, Illinois on January 13, 2000.

**Benito De Leon,**

*Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.*

[FR Doc. 00-2264 Filed 2-1-00; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration**

**[FRA Emergency Order No. 22, Notice No. 2]**

**Oregon Pacific Railroad; Notice of Relief From Emergency Order No. 22**

**AGENCY:** Federal Railroad Administration, Department of Transportation.

**ACTION:** Notice of Relief.

**SUMMARY:** This notice provides relief for the Oregon Pacific Railroad from the limitations of Federal Railroad Administration (FRA) Emergency Order No. 22, issued December 16, 1999. The relief allows the Oregon Pacific Railroad to recommence operation of trains and other railroad on-track equipment on a railroad bridge it owns spanning Johnson Creek (hereinafter designated as the "Johnson Creek Bridge") in the City of Milwaukie, Oregon.

**Authority**

FRA is authorized to issue emergency orders where an unsafe condition or practice "causes an emergency situation involving a hazard of death or personal injury." 49 U.S.C. § 20104. These orders may impose such "restrictions and prohibitions \* \* \* that may be necessary to abate the situation." (*Ibid.*) Likewise, FRA is authorized to grant relief from an emergency order when the agency deems that the unsafe condition or practice which gave rise to the emergency order no longer exists.

**Background**

The Oregon Pacific Railroad Company, a common carrier, is a part of the general railroad system of transportation and operates two principal segments of track. One of the segments crosses Johnson Creek in Milwaukie, Oregon, on a timber trestle bridge not identified by number and located approximately one-half mile upstream from the point where Johnson Creek empties into the Willamette River. In December, 1999, based on detailed inspections of the bridge, FRA determined that the Johnson Creek Bridge was in danger of imminent, catastrophic failure at any time that a railroad load passes over the bridge.

Failure of the bridge under load could have had very serious consequences. The bridge failure could have caused a train to fall into Johnson Creek, killing or injuring any railroad crew members operating rolling stock, killing or injuring any innocent bystanders using Johnson Creek or its banks, and possibly blocking the creek resulting in widespread flooding in the immediate area. Locomotive diesel fuel and/or fuel and contents of a mechanical refrigerator car could have caused severe environmental damage to Johnson Creek and the nearby Willamette River.

FRA therefore concluded that any railroad use of the Johnson Creek Bridge on the Oregon Pacific Railroad posed an imminent and unacceptable threat to public and employee safety involving a hazard of death or injury to persons. On December 16, 1999, the Federal Railroad Administrator issued Emergency Order No. 22 which prohibited all operations of trains and other railroad on-track equipment on the Johnson Creek Bridge until repairs were made and certified as sufficient by a licensed bridge engineer and approved by FRA.

Following the issuance of Emergency Order No. 22, the Oregon Pacific Railroad made repairs to the Johnson Creek Bridge under the guidance of a professional engineer licensed to practice in the State of Oregon. On January 17, 2000, FRA's professional bridge engineer inspected the Johnson Creek Bridge and found that the repairs made to the bridge since the issuance of Emergency Order No. 22 are sufficient to restore immediate safety to the bridge structure.

The termination of Emergency Order No. 22 does not indicate that FRA has made any determination regarding the capacity of the bridge in addition to the work performed by the professional engineer guiding the repairs on behalf of the Oregon Pacific Railroad. Relief from Emergency Order No. 22 simply means that FRA finds that the bridge no longer presents an imminent hazard of death or injury to persons. The Oregon Pacific Railroad continues to be fully responsible for the structural integrity and safe operation of the Johnson Creek Bridge. FRA strongly recommends that the Oregon Pacific Railroad follow a regular program of inspection and maintenance of all railroad bridges owned and operated by the railroad.

#### Relief

In light of the foregoing, I grant the Oregon Pacific Railroad relief from Emergency Order No. 22. The railroad may immediately recommence operation of trains and other railroad

on-track equipment on the Johnson Creek Bridge in the City of Milwaukie, Oregon. The issuance of this Notice does not preclude imposition of another emergency order governing the condition of the bridge should that condition again deteriorate to the extent that I believe it poses an imminent and unacceptable threat to public safety.

Issued in Washington on January 20, 2000.

**Jolene M. Molitoris,**

*Administrator.*

[FR Doc. 00-2229 Filed 2-1-00; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2000-6820]

#### Notice of Receipt of Petition for Decision That Nonconforming 1997-2000 Audi A8 Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1997-2000 Audi A8 passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1997-2000 Audi A8 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 because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is March 3, 2000.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

**SUPPLEMENTARY INFORMATION:**

#### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90-009) has petitioned NHTSA to decide whether 1997-2000 Audi A8 passenger cars are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1997-2000 Audi A8 passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1997-2000 Audi A8 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1997-2000 Audi A8 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1997-2000 Audi A8 passenger cars are identical to their U.S. certified counterparts with respect to