Runway 5R/23L extension—design.

FIS facility (construction).

Analex office building demolition.

Runway 5R/23L extension—construction.

Installation of instrument landing system on runway 6L/24R.

Decision Date: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Conrad, Detroit Airports District Office, (734) 487–7295.

AMENDMENTS TO PFC APPROVALS

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
93–01–C–02–DSM, Des Moines, IA	03/30/99	$7,875,029	$8,775,029	01/01/05	06/01/05
96–03–C–01–PDX, Portland, OR	05/06/99	55,522,000	160,237,000	04/01/02	02/01/05
95–01–C–02–LEB, Lebanon, NH	05/19/99	556,515	431,515	10/01/99	12/01/99
97–03–C–03–DFW, Dallas-Fort Worth, TX	05/20/99	258,018,427	258,181,427	05/01/01	05/01/01
97–03–C–04–DFW, Dallas-Fort Worth, TX	05/20/99	258,181,427	261,050,427	05/01/01	05/01/01

Issued in Washington, DC on June 18, 1999.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 99–16124 Filed 6–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Washoe County, Nevada

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this Notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed Reno Transportation Rail Access Corridor (ReTRAC) project in Washoe County, Nevada.

FOR FURTHER INFORMATION CONTACT:

Daryl James, P.E., Chief, Environmental Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712, Telephone: 775–888–7013

John T. Price, Division Administrator, Federal Highway Administration, Nevada Division, 705 North Plaza St., Suite 220, Carson City, NV 89701, Telephone: 775–687–1204

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Nevada Department of Transportation and the City of Reno will prepare an EIS on the proposal to improve the Reno Transportation Rail Access Corridor in Washoe County, Nevada. The proposed improvement would involve the reconstruction of the Union Pacific rail tracks between West Second and Sutro Streets for a distance of approximately 2.1 miles. The proposed project, would eliminate 11 at-grade street crossings and would include an access road adjacent to the tracks. There will be no turnouts or connections to other tracks within the project area except for the Reno Branch Connection Tracks. Prior to severing the Union Pacific's existing mailine tracks, a shoo-fly temporary track shall be constructed adjacent to the existing mainline tracks. The ReTRAC Project will mitigate the increased rail traffic predicted to significantly impact ground transportation, pedestrian safety and service delivery systems. The EIS will consider the effects of the proposed project, the No Action Alternative option, and other alternatives to the proposed project.

Letters describing the proposed project and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Four public scoping meeting sessions will be held at the times and place noted below:

Scoping Meeting Sessions

Dates: Tuesday and Wednesday, July 13 and 14, 1999.

Times: 2:00 pm–4:30 pm and 6:30 pm–9:00 pm (on both days).

Place: Reno/Sparks Convention Center, North Meeting Room B–1, 4590 South Virginia Street, Reno, Nevada.

In addition to the scoping meeting sessions, a public meeting will be held when the Draft Environmental Impact Statement (DEIS) is completed. The DEIS will be available for public and agency review and comment prior to the public meeting. Public notice will be given of the time and place of the meetings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: June 14, 1999.

John T. Price,

Division Administrator, Federal Highway Administration, Carson City, Nevada.

[FR Doc. 99–16128 Filed 6–23–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; BMW

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition of BMW of North America, Inc., (BMW) for an exemption of a high-theft line, the BMW X5, from the parts-marking requirements of the vehicle theft prevention standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements.

DATES: The exemption granted by this notice is effective beginning with the 2000 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor's telephone number

is (202) 366–0846. Her fax number is (202) 493–2739.

SUPPLEMENTARY INFORMATION: In a petition dated March 8, 1999, BMW of North America, Inc. (BMW), requested exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541) for the BMW X5 vehicle line, beginning with MY 2000. The petition has been filed pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for an entire vehicle line. Based on the evidence submitted by BMW, the agency believes that the antitheft device for the BMW X5 vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541).

BMW's submittal is considered a complete petition, as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In its petition, BMW provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new line. BMW will install its antitheft device as standard equipment on the MY 2000 BMW X5 vehicle line. The antitheft device is a passive, electronically-coded vehicle immobilizer (EWS) system. The device will prevent the vehicle from being driven away under its own engine power in the event the ignition lock and doors have been manipulated. The device is automatically activated when the engine is shut off and the vehicle key is removed from the ignition lock cylinder. In addition to the key, the antitheft device can be activated by the use of its radio frequency remote control. Locking the vehicle door and trunk by using the key cylinder or the radio frequency remote control will further secure the vehicle. BMW stated that the frequency codes for the remote control constantly change to prevent an unauthorized person from opening the vehicle by intercepting the signals of its remote control.

The EWS system consists of a key with a transponder, a loop antenna (coil) around the steering lock cylinder, an EWS control unit and an engine control unit (DME/DDE) with encoded start release input.

BMW stated that integrated in the key is a transponder chip that consists of a transponder, a small antenna coil, and a memory which can be written to and read from. The memory contains its own unique key and customer service data. The transponder is a special transmitter/receiver that communicates with the EWS control through the transceiver module.

BMW states that the EWS control unit provides the interface to the loop antenna (coil), engine control unit and starter. The primary tasks of the EWS control unit will consist of querying key data from the transponder and providing the coded release of the engine management for a valid key. BMW also states that the engine control unit with coded start release input has been designed in such a manner that the ignition and the fuel supply are only released when a correct release signal has been sent by the EWS control unit. The EWS control unit inspects the key data for correctness and allows the ignition to operate and fuel supply to be released when a correct signal has been received.

The vehicle is also equipped with a central-locking system which locks all doors, the hood, the trunk and fuel filler lid. To prevent locking the keys in the car upon exiting, the driver door can only be locked with a key or by the radio frequency remote control after it is closed. This also locks the other doors. If the doors are open at the time of locking, they are automatically locked when they are closed.

BMW mentioned the uniqueness of its locks and its ignition key. BMW stated that its vehicle's locks are almost impossible to pick, and its ignition key cannot be duplicated on the open market. BMW also stated that a special key blank, key-cutting machine and owner's individual code are needed to cut a new key and that its key blanks, machines and codes will be closely controlled and new keys will only be issued to authorized persons. Additionally, spare keys can only be obtained through the BMW dealer because they are not a copy of lost originals, but new keys with their original electronic identification. Lost keys can be disabled at the vehicle and enabled again as an additional security measure. Every key request is also documented so that any inquiries by insurance companies and investigative authorities can be followed up on.

The battery for BMW's X5 vehicle line will be inaccessibly located and covered as an additional security measure. Therefore, even if a thief does manage to penetrate and disconnect the battery, it will not unlock the doors. However, in the event of a crash, an inertia switch will automatically unlock all the doors.

BMW also stated that its antitheft device does not incorporate any audible or visual alarms. However, based on the declining theft rate experience of other vehicles equipped with devices that do not have an audio or visual alarm for which NHTSA has already exempted from the parts-marking requirements, the agency has concluded that the data indicate that lack of a visual or audio alarm has not prevented these antitheft devices from being effective protection against theft.

BMW compared the device proposed for its new line with devices which NHTSA has previously determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of Part 541, and has concluded that the antitheft device proposed for this new line is no less effective than those devices in the lines for which NHTSA has already granted exemptions from the parts-marking requirements. The antitheft system that BMW intends to install on its X5 vehicle line for the MY 2000 is exactly the same system that BMW installed on its Carline 5 for MY 1997 and its Carline 3 for MY 1999. The agency granted BMW's petitions for exemption of its Carline 5 beginning with the 1997 model year and its Carline 3 beginning with the 1999 model year in full (see 61 FR 6292, February 16, 1996 and 62 FR 62800, November 25, 1997, respectively).

In order to ensure reliability and durability of the device, BMW conducted performance tests based on its own specified standards. BMW provided a detailed list of the following tests it conducted: climatic tests, high temperature endurance run, thermoshock test in water, chemical resistance, vibrational load, electrical ranges, mechanical shock tests, and electromagnetic field compatibility.

Additionally, BMW stated that its immobilizer system fulfills the requirements of the European vehicle insurance companies which became standard as of January 1995. The requirements prescribe that the vehicle must be equipped with an electronic vehicle immobilizing device which works independently from the mechanical locking system and prevents the operation of the vehicle through the use of coded intervention in the engine management system. In addition, the device must be self-arming (passive), and must become effective upon leaving the vehicle, or not later than the point at which the vehicle is locked, and must deactivate the vehicle only by electronic means and not with the mechanical key. BMW also stated that the doors and ignition locks for the Carline 3 conform to Swedish Regulation F42–1975, which

requires a minimum of five minutes resistance to the application of commonly available tools.

Based on evidence submitted by BMW, the agency believes that the antitheft device for the X5 vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541).

The agency believes that the device will provide four of the five types of performance listed in 49 CFR 543.6(a)(3): promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The device lacks the ability to attract attention to the efforts of unauthorized persons to enter or operate a vehicle by a means other than a key (§ 541.6(a)(3)(ii).

As required by 49 U.S.C. 33106 and 49 CFR 543.6(a)(4) and (5), the agency finds that BMW has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information BMW provided about its antitheft device.

For the foregoing reasons, the agency hereby grants in full BMW of North America's petition for an exemption for the MY 2000 X5 vehicle line from the parts-marking requirements of 49 CFR part 541.

If BMW decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if BMW wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.'' The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself.

The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: June 21, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–16125 Filed 6–23–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PDA–15(R)]

Preemption Determination No. PD–14(R); Houston, TX, Fire Code Requirements on the Storage, Transportation, and Handling of Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Decision on petition for reconsideration of administrative determination of preemption.

Petitioner: City of Houston, Texas.

State Laws Affected: Houston, Texas, Ordinance No. 96–1249 adopting the 1994 Uniform Fire Code with certain modifications.

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR Parts 171–180.

Modes Affected: Highway.

SUMMARY: RSPA denies the petition for reconsideration submitted by the City of Houston (City), in which the City asked RSPA to defer any determination whether Federal hazardous material transportation law preempts provisions of the Houston Fire Code relating to the transportation of hazardous materials. RSPA clarifies that its December 7, 1998 determination applies only to the transportation of hazardous materials in commerce by motor vehicles. In that determination, RSPA found that the following requirements in the Houston Fire Code are not preempted because they do not apply when the transportation of hazardous materials is governed by DOT's regulations: (1) Permits for vehicles that transport hazardous materials in commerce, including the definition of ''hazardous materials'' as part of these permit requirements; (2) the design, construction, or operation of tank vehicles used for transporting flammable or combustible liquids; (3) physical bonding during loading of a tank vehicle with a flammable or combustible liquid; (4) unattended parking of a tank vehicle containing a flammable or combustible liquid; and (5) the service rating of the fire extinguisher required to be carried on a tank vehicle used to transport a flammable or combustible liquid.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001, telephone 202–366–4400.

SUPPLEMENTARY INFORMATION:

I. Background

In February 1996, the Association of Waste Hazardous Materials Transporters (AWHMT) applied for an administrative determination that Federal hazardous material transportation law preempts certain provisions of the Fire Code of the City of Houston, Texas, as applied to tank vehicles that pick up or deliver hazardous materials within the City of Houston (City).

At that time, the Houston Fire Code consisted of the 1991 edition of the Uniform Fire Code as modified in a ''Conversion Document.'' The requirements challenged by AWHMT involved: (1) Inspections and fees required to obtain an annual permit for a cargo tank motor vehicle to pick up or deliver hazardous materials (including flammable and combustible liquids) within the City; (2) the definition of ''hazardous materials'' as used in these permit requirements; and (3) design, construction, and operating requirements for tank vehicles used to transport flammable and combustible liquids, including the number and service rating of fire extinguishers required on the vehicle, unattended parking of the vehicle, ''FLAMMABLE'' and ''NO SMOKING'' markings on the vehicle, and static protection (or ''bonding'') during loading of the vehicle. AWHMT separately provided copies of citations that the City had issued to operators of cargo tank motor vehicles for loading or unloading corrosive materials within the City without a permit, despite an exception in Sec. 80.101(a) of the 1991 edition of the Uniform Fire Code for: