improvement, even if the product is in technical compliance with the minimum performance requirements established by the standard. He also noted that consumers were very interested in the relative performance of motor vehicles and motor vehicle equipment, such as child restraints.

Dr. Martinez urged each manufacturer of child restraints to ensure that their restraints perform above the minimum requirements of our standard, and indicated that the agency planned to schedule a meeting ''to discuss ways to maximize the safe transportation of children,'' including the possibility of establishing a rating system for child restraints.

The Juvenile Products Manufacturers Association (JPMA) responded on behalf of the child restraint manufacturers with a letter dated November 12, 1999. JPMA said that the historical performance of child restraint systems in compliance testing is excellent and that their performance in actual crashes is outstanding. Regarding a rating system, JPMA said that they believe there are many issues that need to be discussed before any decision can be made as to the appropriateness of developing such a program for child restraint systems. In closing, JPMA said that they feel it is in the best interest of all involved to develop an ongoing dialogue concerning child passenger safety.

C. Public Meeting

On February 9, 2000, NHTSA will conduct a public meeting to provide a forum for all interested persons to discuss the issues set out above. We are especially interested in non-regulatory initiatives that parties could undertake to improve the safety of child restraints. Specific topics to be discussed at the meeting include:

1. How can the safety performance of child restraints be further improved?

2. Even among complying child restraints, are some restraints safer than others? What data, other than NHTSA compliance test results, exist to answer this question?

3. Would the development of voluntary industry standards that exceed or build on the Federal standards be an effective means of improving child restraint system performance? The recent recalls to remedy problems with the handles on certain infant seats is an example of an issue that could have been addressed by the industry before the seats were brought to market. Could the problems with the handles have been avoided by use of voluntary industry standards? What other means are available that reduce the likelihood that such problems recur in the future?

4. Would increasing compliance margins improve the safety of child restraints? If so, what can be done to increase compliance margins?

5. Other international programs, such as those in Australia, Japan, and Europe, have developed or are developing safety ratings of child restraints under their New Car Assessment Programs (NCAP). Would ranking the relative performance of child restraints be of interest and value to consumers? If so:

—Should the performance of child restraints be ranked under test conditions that supplement the minimum requirements of FMVSS No. 213, as we do for vehicles in NCAP? If so, under what conditions (*e.g.*, sled test at 35 mph)?

—Should we consider a rating system based on the compliance margins of child restraints in current NHTSA tests? This approach would be less costly for the agency to implement than a separate high speed test program.

—Which performance requirements should be emphasized (*e.g.*, chest g's, HIC, head excursion, or some composite)?

—A child restraint that may have performed very well in the agency's comparative testing might not be the best choice for a particular vehicle or individual consumer, because performance may be affected by the vehicle seat, the vehicle configuration and performance, and proper consumer use based on manufacturers' instructions. Should and could these factors be reflected in a rating system? If so, how?

D. Oral Presentations

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of ''auxiliary aids'' (*e.g.*, sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Deborah Parker on (202) 366–1768, or James Gilkey on (202) 366–5295 by January 7, 2000.

E. Written Comments

Interested persons are invited to submit comments on this notice. Two copies should be submitted to DOT's Docket Management Office at the address given at the beginning of this document. Comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and two copies from which the purportedly confidential information has been deleted should be submitted to Docket Management. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR part 512.

Issued on: January 3, 2000.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

Noble N. Bowie,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 00–330 Filed 1–4–00; 12:45 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–4357; Notice 3]

Aprilia, S.p.A.; Reissuance of Grant of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

On August 13, 1999, we granted the application by Aprilia S.p.A. of Noale, Italy, for a temporary exemption from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays* (64 FR 44264, NHTSA Temporary Exemption No. 99–9, expiring July 1, 2001). The exemption was limited to Aprilia's Leonardo 150 model. For the reasons explained below, we are reissuing the exemption to include Aprilia's Scarabeo 150 model, and the exemption will expire on December 1, 2001.

Aprilia recently applied to us for a temporary exemption of its Scarabeo 150 model from S5.2.1 of Standard No. 123 on the same statutory basis as the Leonardo, that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles,'' 49 U.S.C. 30113(b)(3)(B)(iv). Because of the near identicality of the two motorcycles and the arguments in support of the

application, we have decided not to consider Aprilia's request as a petition *de novo* but to reissue NHTSA Temporary Exemption No. 99–9 to cover the Scarabeo. Further, for the reason indicated, reissued NHTSA Temporary Exemption No. 99–9 will expire December 1, 2001.

From our review of Aprilia's petitions, we consider the Scarabeo and Leonardo motorcycles to be mechanically similar in all respects relevant to the safety issues involved, differing primarily in their external sheet metal. Paragraph S5.2.1 of Standard No. 123 requires that, if a motorcycle is equipped with rear wheel brakes, those brakes be operable through the right foot control, though the left handlebar is a permissible brake control location for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of both the Leonardo and Scarabeo motorcycles, for the same reasons. Absent an exemption, it will be unable to import and sell the Scarabeo because the vehicle would not fully comply with Standard No. 123.

Aprilia's previous arguments in favor of the Leonardo and our comments on them are set forth in the notice at 64 FR 44264 and are incorporated herein by reference. Aprilia's new petition included copies of reports of brake tests conducted according to Standard No. 122, *Motorcycle Brake Systems*, and under the laws of the United Kingdom. These materials have been filed in the docket.

NHTSA provided an opportunity for public comment on the Leonardo petition on August 28, 1998 (63 FR 46097), and received only one in the more than 11 months that elapsed between the comment notice and the grant notice. That single comment, from Peugeot Motorcycles of France, supported Aprilia's petition.

On November 11, 1999, Aprilia USA informed us that, as of November 1, 1999, it had not imported or sold any Leonardo 150s under the exemption, and requested that we extend the effective date of the exemption accordingly. The company understands that it will not be able to import more than a total of 2,500 exempted Leonardo 150 and Scarabeo 150 motorcycles in any 12-month period that the exemption is in effect.

We have concluded that, given the recent opportunity for public comment, a further opportunity to comment on the same issues is not likely to result in any substantive submissions, and that we may proceed to reissue NHTSA Temporary Exemption No. 99–9 to include the Scarabeo in its coverage. We hereby incorporate our findings in our initial granting of the petition (64 FR 44264). Accordingly, NHTSA Temporary Exemption No. EX99–9 from the requirement of Item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123, *Motorcycle Controls and Displays*, that the rear wheel brakes be operable through the right foot control. is reissued to cover the Leonardo 150 and Scarabeo 150 motorcycles, and to expire on December 1, 2001.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50).

Issued on: January 3, 2000.

Rosalyn G. Millman,

Acting Administrator.

[FR Doc. 00–422 Filed 1–6–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33786]

New Jersey Transit Corporation—Acquisition Exemption—Certain Assets of Consolidated Rail Corporation

The New Jersey Transit Corporation (NJ Transit), a noncarrier, has filed a verified notice of exemption under 49 CFR Part 1150, Subpart D—*Exempt Transactions*, to acquire from Consolidated Rail Corporation (Conrail) certain physical assets of a 31.83-mile rail line, known as the Bordentown Secondary Track, between Camden (Milepost 1.07) and Trenton, NJ (Milepost 32.9).[1] NJ Transit, which is an instrumentality of the State of New Jersey, proposes to construct and operate a light rail transit system on the line. NJ Transit states that Conrail will retain an easement and continue to operate freight service over the line on behalf of Norfolk Southern Railroad Company (NS), and CSX Transportation, Inc. (CSXT) under the terms of the South Jersey Shared Assets Area Operating Agreement (Agreement) among Conrail, NS and CSXT.[2] Consummation of the transaction was expected to occur on or after December 15, 1999, the effective date of the exemption.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. A petition 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. 33786, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Oppenheimer Wolff Donnelly & Bayh, LPP, 1350 Eye Street, NW, Suite 200, Washington, DC 20005.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: December 30, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 00–194 Filed 1–6–00; 8:45 am]

BILLING CODE 4915–00–P

[1] NJ Transit simultaneously filed a motion to dismiss the notice of exemption. The Board will address the jurisdictional issue raised by the motion in a subsequent decision.

[2] The Board approved the Agreement in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (STB served July 23, 1998).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB–33 (Sub–No. 70)]

Union Pacific Railroad Company—Abandonment—Wallace Branch, ID

AGENCY: Surface Transportation Board.

ACTION: Notice of Availability of a Draft Supplemental Environmental Assessment and Request for Comments.

SUMMARY: The Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA) has prepared, and now asks for public review and comment on, a Draft Supplemental Environmental Assessment (Draft Supplemental EA) to complete the environmental review process under the National Environmental Policy Act (NEPA) for this rail abandonment proceeding.

DATES: Written comments on the Draft Supplemental EA are due February 22, 2000 (45 days).

ADDRESSES: Send an original and 10 copies to Vernon A. Williams, Office of the Secretary, Room 711, Surface Transportation Board, 1925 K Street, NW, Washington, DC, 20423–0001, to the attention of Phillis Johnson-Ball. Please refer to Docket No. AB–33 (Sub-