Elwood, A.A.E., Director of Aviation at the following address: Pueblo Memorial Airport, 31201 Bryan Circle, Pueblo, CO 81001.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Pueblo Memorial Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Schaffer, (303) 286–5525; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, CO 80216–6026. 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 (#96–02–C–00–PUB) to impose and use PFC revenue at Pueblo Memorial Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 10, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by Pueblo Memorial Airport, Pueblo, Colorado, was substantially complete within 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 13, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: September 1, 1999

Proposed charge expiration date: January 31, 2010

Total estimated PFC revenues: $250,343.00

Brief description of proposed project: Airport planning studies; Rehabilitate Taxiway ''A''; Extend Taxiway ''K'' (Phases 1 and 2).

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055–4056.

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

Issued in Renton, Washington on January 10, 1996.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 96–597 Filed 1–18–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration and Federal Railroad Administration

Environmental Impact Statement: Portland, Oregon to Vancouver, British Columbia

AGENCY: Federal Highway Administration (FHWA), and Federal Railroad Administration (FRA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA and the FRA are issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed high speed rail improvement program between Portland, Oregon and Vancouver, British Columbia.

FOR FURTHER INFORMATION CONTACT: Gene K. Fong, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–2120; Mark Yachmetz, Federal Railroad Administration, 400 7th Street SW., Room 5420, Washington, DC 20590, Telephone: (202) 366–0686; Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park East Olympia, Washington 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: On October 22, 1992, the U.S. Department of Transportation designated the existing rail corridor from Eugene, Oregon through Portland, Oregon and Seattle, Washington to Vancouver, British Columbia, Canada as a high-speed rail corridor pursuant to Section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The Washington State Department of Transportation (WSDOT) proposes to adopt a multi-phase program plan to develop high-speed intercity passenger service on the 366-mile segment of that corridor between Portland, Oregon and Vancouver, British Columbia, and to undertake specific improvements consistent with such a plan. FHWA and FRA, in cooperation with WSDOT, will prepare an EIS on WSDOT's proposal.

The purpose of this EIS is to provide background for the decision whether or not to implement high-speed passenger rail service on the corridor. The EIS will also provide background for decisions related to possible future investment in passenger rail service related facilities in the corridor including identification of design levels of service (e.g. number, frequency, and speed of trains) and capital improvements needed to meet design levels of service.

The existing rail facilities limit the addition of high speed passenger trains within the Pacific Northwest Passenger Rail Corridor. Passenger rail speeds are limited in the existing corridor by the steep and curvy topography of western Washington and the limited capacity of the existing rail line would create conflicts between slower freight trains and higher speed passenger trains that would adversely affect passenger and freight train scheduling. High speed passenger rail in the corridor would require additional or improved rail geometrics, trackage, side or passing tracks, and signal and train control systems. The proposed improvement program would resolve the existing constraints on dependable and timely passenger rail service between Portland, Oregon and Vancouver, British Columbia.

Agency and public involvement programs will describe the proposed action and solicit comment from citizens, organizations, and federal, state, and local agencies. Comments and questions will be solicited and accepted via telephone, internet, public meetings, and the mail. In addition, targeted direct mail, advertisements, and media relations efforts will be used to reach the public and agencies. Advertisements offering interested persons the opportunity to attend and offer comments at a public hearing will be published prior to circulation of the draft environmental impact statement. Public notice of actions related to the proposal that identify the date, time, place of meetings, and the length of review periods will be published when appropriate.

To ensure that the full range of issues related to this proposed improvement program and its reasonable alternatives are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or FRA 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 of federal programs and activities apply to this program.)

Issued on: January 8, 1996.

Gene K. Fong,

Division Administrator, Federal Highway Administration, Washington Division.

Mark E. Yachmetz,

Chief, Passenger Programs Division, Federal Railroad Administration.

[FR Doc. 96–468 Filed 1–18–96; 8:45 am]

BILLING CODE 4910–22–M

Research and Special Programs Administration

[Docket No. PDA–14(R)]

Application by National Tank Truck Carriers, Inc., for a Preemption Determination as to Hazardous Materials Requirements Imposed by the City of El Paso, Texas

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

ACTION: Public notice and invitation to comment.

SUMMARY: The National Tank Truck Carriers, Inc. (NTTC) has applied for an administrative determination as to whether the Federal hazardous material transportation law preempts certain provisions of Chapter 9.56 of the City of El Paso, Texas Municipal Code requiring motor carriers or operators that transport hazardous materials to obtain a permit based on inspections which are conducted only during limited time periods, from November 1 through December 31 of each year.

DATES: Comments received on or before March 4, 1996, and rebuttal comments received on or before April 18, 1996, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised in comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, Room 8421, 400 Seventh Street, SW, Washington, DC 20590–0001 (Tel. No. [202] 366–4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–14(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must be sent to: (1) Mr. Clifford J. Harvison, President, National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314; and (2) Mr. David Caylor, City Attorney, City of El Paso, #2 Civic Center Plaza, Ninth Floor, El Paso, TX 79901. A certification that a copy has been sent to each person must also be included with each comment. (The following format is suggested: ''I hereby certify that copies of this comment have been sent to Messrs. Harvison and Caylor at the addresses specified in the Federal Register.'')

FOR FURTHER INFORMATION CONTACT: Karin V. Christian, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington, DC 20590–0001 (Tel. No. [202] 366–4400).

SUPPLEMENTARY INFORMATION:

I. NTTC'S Application for a Preemption Determination

On December 10, 1995, NTTC applied for a determination that the Federal hazardous material transportation law preempts certain provisions of Chapter 9.56 of the City of El Paso, Texas Municipal Code requiring motor carriers or operators transporting hazardous materials to obtain permits based on inspections conducted only during limited periods of time, from November 1 through December 31 of each year.

Section 9.56.080 of the City of El Paso Municipal Code states:

(a) It is unlawful for any motor carrier or operator to transport hazardous materials from a point of origin within the city or to a point of destination within the city without a permit issued by the Fire Marshal, or his designee.

(b) The annual inspection period shall be from November 1 through December 31 of each year.

(c) A permit fee of Fifty Dollars ($50.00) per vehicle shall be paid upon inspection of the vehicle. Vehicles failing inspection shall be assessed an additional Twenty-Five Dollars ($25.00) fee for reinspection.

(d) No permit issued under this Chapter shall be transferable from one person to another nor from one vehicle to another. The permit shall be visibly posted in each vehicle.

The text of NTTC's application is set forth in Appendix A. The attachments to the application, consisting of a copy of the ordinance adopting a new Chapter 9.56 of the El Paso Municipal Code and an El Paso Fire Department letter confirming active enforcement of the ordinance, may be examined at RSPA's Dockets Unit. Copies of the attachments will be provided at no cost, upon request to RSPA's Dockets Unit (see the address and telephone number set forth in the **ADDRESSES** section above.)

II. Preemption Under the Federal Hazardous Material Transportation Law

The Hazardous Materials Transportation Act (HMTA) was enacted in 1975 to give the Department of Transportation greater authority ''to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce.'' Pub. L. 93–633 § 102, 88 Stat. 2156, amended by Pub. L. 103–272 and codified as revised in 49 U.S.C. 5101. A key aspect of HMTA is that it replaced a patchwork of State and local laws. On July 5, 1994, the HMTA was among the many Federal laws relating to transportation that were revised, codified and enacted ''without substantive change'' by Public Law 103–272, 108 Stat. 745. The Federal hazardous material transportation law is now found in 49 U.S.C. Chapter 51.

A statutory provision for Federal preemption was central to the HMTA. In 1974, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). More recently, the U.S. Court of Appeals for the Tenth Circuit found that uniformity was the ''linchpin'' in the design of the HMTA, including the 1990 amendments which expanded the preemption provisions. *Colorado Public Utilities Comm.* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

Following the 1990 amendments and the subsequent 1994 codification of the Federal law governing the transportation of hazardous material, in the absence of a waiver of preemption by the Department of Transportation (DOT) under 49 U.S.C. 5125(e), ''a requirement of a State, political subdivision of a State, or Indian tribe'' is explicitly preempted (unless it is authorized by another Federal law) if—

> (1) complying with a requirement of the State, political subdivision or tribe and a requirement of this chapter or a regulation issued under this chapter is not possible; or
>
> (2) the requirement of the State, political subdivision, or Indian tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter or a regulation prescribed under this chapter.

49 U.S.C. 5125(a). These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria which RSPA consistently has applied since 1978.

In the 1990 amendments to the HMTA, Congress also confirmed that there is no room for deviations from