period. Because the exemption criteria includes consideration of an applicant's driving record for a three-year period, the AHAS concludes: ''Thus, while drivers who are not granted exemptions are subject to the 10-year requirement for second and third disqualifying offenses, drivers who are granted exemptions from the federal vision standard are also exempt from reporting convictions for disqualifying offenses that took place more than 3 years prior to the application for exemption.'' There is absolutely no basis for this conclusion. The previous discussion explains why a 3-year driving history was chosen as a criterion for determining whether the applicant has successfully adjusted to the vision deficiency. The exemption granted to these petitioners applies only to the qualification standard in 49 CFR 391.41(b)(10) (vision). The drivers receiving the exemptions are subject to all other regulations, including all of the CDL and other qualification standards. In fact, as noted above, all these applicants possess a valid CDL.

In its third point, the AHAS objects to the procedure employed in processing these petitions for exemptions, contending that there is no statutory basis for making a ''preliminary'' determination, which tends to pre-judge the outcome. The AHAS makes an analogy to an interim final rule where an agency ''has already made its decision * * * (and) predetermined its view of the merits prior to soliciting and evaluating public comments on the petition.'' This analogy is misplaced. The agency's ''preliminary determination'' is much more akin to a notice of proposed rulemaking, where the agency analyzes the basis upon which a new or amended regulation has been considered, and then proposes that the new rule take effect. The agency then considers the information obtained in response to the NPRM and issues a final rule. This is no different. The agency analyzes the information provided in the completed application. Some applications are denied outright. It is only when the agency proposes to grant a petition that it publishes that proposal, together with its analysis of the information submitted in support of the petition, for public comment. After consideration of public comment, a final decision is published. The denials will be summarized periodically, consistent with the statute, and published in the **Federal Register**. Quoting from 49 U.S.C. 31315(b)(4)(A), the AHAS ignores that part of the quotation that is entirely consistent with the FHWA's approach: ''* * * (the (FHWA) shall publish in the **Federal Register** a *notice* explaining the request that has been filed and shall give the public an opportunity *to inspect the safety analysis and any other relevant information known to the (FHWA)* and to comment on the request.'' Obviously, the public is entitled to know how the agency treated the information it received, including whether it intended to grant the application. The AHAS could not seriously argue that the statute requires the agency to conduct a plebiscite on every application it receives.

The AHAS' final point, as it readily admits, is not even relevant to this action, and merely reargues its position that the agency misinterpreted the current law on exemptions by considering them slightly more lenient than the previous law. This was unquestionably the intention of Congress in drafting section 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, (See 63 FR 67601, quoting from H.R. Conf. Rep. No. 105–550, at 489–490), and the FHWA sees no benefit in addressing this point again in this document.

Notwithstanding the FHWA's ongoing review of the vision standard, as evidenced by the medical panel's report dated October 16, 1998, and filed in this docket, however, the FHWA must comply with *Rauenhorst* versus *United States Department of Transportation, Federal Highway Administration,* 95 F.3d 715 (8th Cir. 1996), and grant individual exemptions under standards that are consistent with public safety. Meeting those standards, the 32 veteran drivers in this case have demonstrated to our satisfaction that they can operate a CMV with their current vision as safely in interstate commerce as they have in intrastate commerce. Accordingly, they qualify for an exemption under 49 U.S.C. 31315 and 31136(e).

Conclusion

After considering the comments to the docket and based upon its evaluation of the 32 waiver applications in accordance with *Rauenhorst* versus *United States Department of Transportation, Federal Highway Administration, supra,* the FHWA exempts Grady Lee Black, Jr., Marvin E. Brock, Roosevelt Bryant, Jr., John Alex Chizmar, Billy M. Coker, Cliff Dovel, George T. Ellis, Jr., Weldon R. Evans, Richard L. Gagnebin, James P. Guth, James J. Hewitt, Paul M. Hoerner, Carroll Joseph Ledet, Charles L. Lovern, Craig M. Mahaffey, Michael S. Maki, Gerald Wayne McGuire, Eldon Miles, Craig W. Miller, Walter F. Moniowczak, Howard R. Payne, Kenneth Adam Reddick, Leonard Rice, Jr., Willard L. Riggle, John A. Sortman, James Archie Strickland, James Terry Sullivan, Edward A. Vanderhei, Buford C. Varnadore, Kevin P. Weinhold, Thomas A. Wise, and Rayford R. Harper from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in its driver qualification file, or keep a copy in his/her driver qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FHWA. The exemption will be revoked if (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FHWA for a renewal under procedures in effect at that time.

Authority: 49 U.S.C. 31315 and 31136; 23 U.S.C. 315; 49 CFR 1.48.

Issued on: September 16, 1999.

Kenneth R Wykle,

Federal Highway Administrator.

[FR Doc. 99–24718 Filed 9–22–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (99–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the fourth quarter 1999 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 1999 RCAF (Unadjusted) is 1.011. The fourth quarter 1999 RCAF (Adjusted) is 0.584. The fourth quarter 1999 RCAF–5 is 0.571.

EFFECTIVE DATE: October 1, 1999.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533. TDD for the hearing impaired: (202) 565–1695.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW, Washington, DC 20423–0001, telephone (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Decided: September 17, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–24849 Filed 9–22–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33797]

Keystone Railroad, Inc. d/b/a Lake Michigan and Indiana Railroad Company—Lease and Operation Exemption—Bethlehem Steel Corporation

Keystone Railroad, Inc. (Keystone) d/b/a Lake Michigan and Indiana Railroad Company (LMIC), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 66 miles of rail line (rail line)[1] in the State of Indiana owned by Bethlehem Steel Corporation (BSC).[2] The rail line is comprised of former yard and switching tracks and does not have assigned mileposts.[3]

The transaction is scheduled to be consummated on or about October 1, 1999.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding 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. 33797, 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 Eric M. Hockey, Esq., Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381–0796.

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

Decided: September 15, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99–24577 Filed 9–22–99; 8:45 am]

BILLING CODE 4915–00–P

[1] Keystone was formerly known as the Philadelphia, Bethlehem and New England Railroad Company (PBNE). PBNE changed its corporate name to Keystone, but it will continue to operate lines in the State of Pennsylvania under the PBNE name. LMIC, a newly established division of Keystone, will operate the rail line.

[2] BSC is a noncarrier holding company that controls, directly and indirectly, eight subsidiary railroads, including Keystone.

[3] According to Keystone, the rail line has been leased to, and operated by, Norfolk Southern Railway Company, as the successor to Consolidated Rail Corporation. Keystone states its belief that the rail line has been operated as exempt switching and/or yard tracks.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 25, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1210.

Form Number: IRS Form 8379.

Type of Review: Extension.

Title: Injured Spouse Claim and Allocation.

Description: A non-obligated spouse may file Form 8379 to request the non-obligated spouse's share of a joint income tax refund that would otherwise be applied to the past-due obligation owed to a state or federal agency by the other spouse.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 300,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—13 min.
Learning about the law or the form—8 min.
Preparing the form—58 min.
Copying, assembling, and sending the form to the IRS—31 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 549,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 99–24765 Filed 9–22–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 16, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.