

(b) Part of a comprehensive testing program designed to correct Year 2000 deficiencies at the facility;

(c) Conducted well in advance of the Year 2000 dates in question (i.e., normally at least 30 days in advance of the dates in question);

(4) *Absence of Harm.* Testing problems do not result in substantial environmental damage or serious actual harm to the public;

(5) *Immediate Correction.* The company corrected all problems caused by the testing as soon as possible (i.e., normally within 24 hours).

(6) *Expeditious Remediation.* The company expeditiously remediated any hazardous liquid release in accordance with the company response plan required by 49 CFR Part 194.

(7) *Reporting.* The company has met all applicable reporting requirements including those for releases from a pipeline facility (49 CFR Parts 191 and 195) and safety related condition reports (49 CFR Parts 191 and 195).

(8) *Retesting.* Any retesting conducted prior to the Year 2000 dates in question met all the criteria outlined in this policy and included modifications to earlier testing and/or applicable operating conditions that are reasonably designed to achieve compliance.

(9) *Cooperation.* The company provides any information RSPA requests as necessary to determine whether to forego compliance action.

Emphasis on Business Continuity and Contingency Planning

Time is running out for solving Year 2000 problems. Some companies may not be able to fully test and remediate all of their mission-critical systems and may face disruptions in their operations. Systems that have been tested and remediated may still encounter unanticipated Year 2000 problems. Despite best efforts of dedicated staff to assess, remediate, validate, and implement mission-critical systems, companies remain vulnerable to disrupted business processes. Because most companies are highly dependent on information technology to carry out their business, Year 2000-induced failures may have a severe impact on their ability to deliver critical services and assure safety. Additionally, the risk of failure is not limited to the company's internal information systems. Many companies depend on information and data provided by business partners such as other pipeline companies, state and local agencies, international suppliers, and private sector entities. Every company depends on key infrastructure services such as power, water, transportation, and

telecommunications. Because of these risks, it is important that companies conduct business continuity and contingency planning to reduce the risk of Year 2000 business and facility failures.

Each company should ensure the continuity of core business processes by identifying, assessing, managing, and mitigating its Year 2000 risks. This effort should not be limited to the risks posed by the Year 2000-induced failures of internal information systems, but should include potential Year 2000 failures of others, including business partners and infrastructure service providers.

The business continuity planning process focuses on reducing the risk of Year 2000-induced business and facility failures. It safeguards a company's ability to maintain safety functions and produce a minimum acceptable level of services in the event of failures of critical information systems and services. It also helps to identify alternate resources and processes needed to operate the core business processes. Although it does not offer a long-term solution to Year 2000-induced failures, it will help the company to prepare for a potential crisis, and may facilitate the restoration of normal service at the earliest possible time in the most cost-effective manner.

Cooperation With States

RSPA is strongly encouraging States participating in the pipeline safety program to adopt this or a similar approach to address Year 2000 compliance issues. RSPA is coordinating closely with State agencies concerning Year 2000-related testing issues.

Disclaimer

This policy does not constitute a final Department action. It does not create any rights, duties, obligations, or defenses, implied or otherwise, in any persons or entities. It sets forth factors that RSPA intends to use in the exercise of its compliance discretion, and it is not intended for use in pleading, at hearing, at trial, or in any adjudicatory context.

Specific Compliance Concerns

Individual facility-specific concerns may be directed to the RSPA Office of Pipeline Safety Regional offices listed below:

EASTERN REGION, 400 Seventh Street, SW, Room 7130, DPS-24, Washington, D.C. 20590, Telephone: (202) 366-4580, Fax: (202) 366-3274
SOUTHERN REGION, 61 Forsyth Street, Suite 16T15, DPS-25, Atlanta, GA

30303, Telephone: (404) 562-3530, Fax: (404) 562-3569
CENTRAL REGION, 1100 Main Street, Suite 1120, DPS-26, Kansas City, MO 64105, Telephone: (816) 426-2654, Fax: (816) 426-2598

SOUTHWEST REGION, 2320 LaBranch Street, Room 2100, DPS-27, Houston, TX 77004, Telephone: (713) 718-3746, Fax: (713) 718-3724

WESTERN REGION, 12600 W. Colfax Avenue, Suite A-250, DPS-28, Lakewood, CO 80215-3736, Telephone: (303) 231-5701, Fax: (303) 231-5711

Issued in Washington, D.C., on June 16, 1999.

Stacey L. Gerard,

Director, Office of Policy, Regulations and Training.

[FR Doc. 99-15988 Filed 6-22-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (99-3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 1999 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 1999 RCAF (Unadjusted) is 1.002. The third quarter 1999 RCAF (Adjusted) is 0.586. The third quarter 1999 RCAF-5 is 0.579.

EFFECTIVE DATE: July 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.

Decided: June 17, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-16004 Filed 6-22-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33763]

Paducah & Louisville Railway, Inc.— Trackage Rights Exemption—CSX Transportation, Inc.

CSX Transportation, Inc. (CSXT) has agreed to grant overhead trackage rights to Paducah & Louisville Railway, Inc. (P&L) over CSXT's rail line between the P&L/CSXT connection at Madisonville, KY, at or near milepost OOH 275, and the Dotiki mines located on CSXT's Morganfield Branch, at or near milepost MF-298.3, a total distance of approximately 23 miles.

The transaction is scheduled to be consummated on June 18, 1999.

The purpose of the trackage rights is to allow P&L to handle movements of coal from the Dotiki mines to the Louisville Gas & Electric Cave Run plant in Louisville, KY, and the Louisville Gas & Electric Mill Creek plant in Kosmosdale, KY, and to handle empties via the reverse route.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions 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. 33763, 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, one copy of each pleading must be served on (1) J. Thomas Garrett, Esq., Paducah & Louisville Railway, Inc., 1500 Kentucky Avenue, Paducah, KY 42003, and (2) Fred R. Birkholz, Esq., CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

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

Decided: June 16, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-16002 Filed 6-22-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33765]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Illinois Central Railroad Company

Illinois Central Railroad Company (IC) has agreed to grant limited overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) over IC's rail line between a point at the east end of the St. Charles Airline near IC's milepost 1.7 at Chicago, IL, and a point near IC's milepost 19.5 at Harvey, IL, a distance of approximately 17.6 miles.

The transaction is scheduled to be consummated on or shortly after June 18, 1999.

The purpose of the trackage rights is to permit BNSF, using its own trains with its own crews, to interchange unit coal trains with Canadian National Railway (CN) at CN's connection with IC at Harvey.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions 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. 33765, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael E. Roper, The Burlington Northern and Santa Fe Railway Company, 3017 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

Decided: June 16, 1999.

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

Vernon A. Williams,

Secretary.

[FR Doc. 99-16001 Filed 6-22-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 382X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment of Chicago Area Trackage in Cook County, IL

On June 3, 1999, The Burlington Northern and Santa Fe Railway Company (BNSF) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its switching/industrial lead track beginning north of Corwith Yard at station 24 + 43 and ending at station 149 + 87 near the east end of the Western Avenue Bridge, a total distance of 2.38 miles within the city limits of Chicago, in Cook County, IL.¹ The line traverses U.S. Postal Service Zip Codes 60608, 60623, and 60632 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by September 21, 1999.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of

¹ BNSF states that the line is arguably not subject to regulation by the Board pursuant to 49 U.S.C. 10906. However, to avoid any doubt over the status of the line and to avoid delays from possible litigation over the line's status, BNSF has elected to file this petition for exemption.