

acres of former TVA land on Chickamauga Reservoir in Hamilton County, Tennessee, Tract No. XCR-53, S.1X, to allow residential development on 18 acres of said tract and prohibit development (other than roads and infrastructure) upon the remaining 75 acres of the tract.

E5. Modification of certain deed restrictions affecting approximately 16.8 acres of former TVA land on Melton Hill Reservoir in Anderson County, Tennessee, Tract No. XMHR-49, S.1X, to allow the city of Clinton, Tennessee, to develop a sports complex on the property and approval of a land use allocation change to the Melton Hill Reservoir Land Management Plan to reallocate a .9-acre portion of this tract from industrial development to recreational development.

#### F—Other

F1. Approval to file condemnation cases to acquire easements and rights-of-way for transmission line projects affecting the Richard City—Scottsboro Transmission Line in Jackson County, Alabama.

#### C—Energy

C1. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into a term contract with Canal Barge Company Inc. for barge transportation of coal to Colbert and Johnsonville Fossil Plants.

#### Information Items

1. Approval of Board member participation in Board meetings by telephone or other means due to incapacity for the period beginning September 12, 2005, and extending through December 31, 2005.

2. Approval of a plan to match cash or check contributions by employees or retirees through the CFC to Hurricane Katrina relief organizations for the period September 2-16, 2005.

3. Approval of temporary policy revisions related to distributors who have given notice of contract termination.

4. Approval of changes to the risk management structure at TVA.

5. Approval of delegation of authority to the Director, TVA Police, to designate TVA employees as law enforcement officers for an interim period commencing on August 22, 2005, and ending December 31, 2005.

6. Approval of a contract with Blue Cross Blue Shield of Tennessee for dental benefit services.

7. Approval of the sale at public auction of the Aquatic Biology Lab Buildings, affecting approximately 3.2 acres, Tract No. XNR-911, and an

associated utility easement, Tract No. XNR-912E, in Norris, Tennessee.

8. Approval to enter into a contract with Staples Business Advantage for office supplies, equipment, and forms management services.

9. Approval of the sale at public auction of leasehold interests to the Public Power Institute building and of approximately 1.9 acres of associated land on TVA's Muscle Shoals Reservation in Colbert County, Alabama, Tract No. X2NPT-21.

10. Approval of modifications to grants of easements affecting 52 acres of land on the Wilson Dam Reservation in Lauderdale County, Alabama, to facilitate the construction and operation of a public park and an adjacent hotel/convention center complex, Tract Nos. XWDNC-1E, XTWDNC-1RE, and XWDR-9E.

11. Approval of abandonment of certain transmission line easement rights affecting approximately 1.43 acres, Tract Nos. BWG-5 and BWG-6, contingent upon Blue Ridge Mountain EMC providing transmission line easement rights satisfactory to TVA affecting approximately 2.07 acres of land, Tract No. BWG-5A, all in Union County, Georgia.

12. Approval of a membership appointment of Don Gowan to the Regional Resource Stewardship Council.

13. Approval of TVA's contribution to the TVA Retirement System for Fiscal Year 2006.

14. Approval of the 2005 edition of the Transmission Service Guidelines.

For more information: Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: September 21, 2005.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. 05-19231 Filed 9-22-05; 3:29 pm]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal

Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### The Rarus Railway Company

[Waiver Petition Docket Number FRA-2005-22131]

The Rarus Railway Company (RAR), seeks a waiver of compliance from certain provisions of the Safety Glazing Standards, 49 CFR 223, that requires certified glazing for two passenger cars, RARW 802 and RARW 805. The RAR is located in Anaconda, Montana. The RAR states they operate as a seasonal excursion train and will not operate as a commuter railroad. The cars will operate in a rural area over approximately 26 miles of track at a speed not exceeding 25 miles per hour. The RAR states that the cost of retrofitting a total of 58 windows for each car to accept FRA safety glazing will be cost prohibitive with consideration given to the type of operation the RAR performs.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 2005-22131) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the

name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on September 19, 2005.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 05-19093 Filed 9-23-05; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice Publishing Substantive Criteria for Evaluation of Applications under the Railroad Rehabilitation and Improvement Financing Program (RRIF)

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Evaluation Criteria for RRIF Program.

**SUMMARY:** FRA is publishing this notice in response to Congressional direction contained in section 9003(j) of the recently enacted Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requesting the agency to identify the substantive criteria and standards used by the DOT/FRA to determine whether to approve or disapprove applications submitted under the RRIF Program. This information is being provided by publication in the **Federal Register** and posting on the DOT/FRA website, as required by the statute.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Pomponio, Director, Office of Freight Programs, Federal Railroad Administration, U.S. Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590. Telephone: 202-493-6051, e-mail: [Joseph.Pomponio@fra.dot.gov](mailto:Joseph.Pomponio@fra.dot.gov). Cynthia Walters, Attorney, Office of Chief Counsel, Federal Railroad Administration, U.S. Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590. Telephone 202-493-6064, e-mail: [Cynthia.Walters@fra.dot.gov](mailto:Cynthia.Walters@fra.dot.gov).

**SUPPLEMENTARY INFORMATION:**

### Background

Congress recently amended sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 *et seq.*), in SAFETEA-LU (Pub. L. 109-59). These amendments address DOT's RRIF program, which authorizes the Secretary of Transportation (Secretary) to disburse money through direct loans and loan guarantees to various entities. RRIF loans and loan guarantees are used to acquire, improve or rehabilitate intermodal or rail equipment and facilities, refinance debt that was undertaken for such purposes, or to develop or establish new rail or intermodal facilities. The SAFETEA-LU amendments expand the total available program obligations from \$3.5 billion to \$35 billion and make several other program changes. The Secretary's authority to administer this program has been delegated to the Administrator of FRA (49 CFR sections 1.49(t) and 260.1, Program Authority).

In addition to the RRIF program changes, SAFETEA-LU requires the Department, within thirty days after enactment of the statute, to publish in the **Federal Register** and post on the Department's Web site the substantive criteria and standards used by the Secretary to determine whether applications will be approved or disapproved for RRIF loans. The substantive criteria responsive to the request of Congress are the subject of this notice and are described below.

#### FRA's Substantive Criteria for Evaluation of RRIF Applications

FRA is providing the criteria and standards used to determine whether to approve or disapprove an application submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976. These criteria are drawn from the legislation authorizing the RRIF program (45 U.S.C. 821 *et seq.*) and program implementing regulations (49 CFR part 260). The words used below to describe the criteria differ from the statute and the regulations only for purposes of brevity. This notice does not contain any new criteria or impose any new legal requirements or have any legal effect other than to satisfy the mandate from Congress to issue this notice. Determinations are made based on the following criteria and standards, as more fully set forth in the statute or the regulations, evaluated individually and considered collectively.

- The statutory eligibility of the applicant and the project ( 49 CFR 260.3, definition of applicant and 49 CFR 260.5, eligible purposes);

- The creditworthiness of the project, including the present and probable demand for rail services and a reasonable likelihood that the loan will be repaid on a timely basis. (49 CFR part 260, Subpart B-FRA policies and procedures for Evaluating Applications for Financial Assistance)

- The extent to which the project will enhance safety. (49 CFR 260.7(a))

- The significance of the project on a local, regional, or national level in terms of generating economic benefits and improving the railroad transportation system. (49 CFR 260.7(c))

- The improvement to the environment that is expected to result directly or indirectly by the implementation of the project. (49 CFR 260.7(b)) and

- The improvement in service or capacity in the railroad transportation system or the reduction in service-or capacity-related problems that is expected to result directly or indirectly from the implementation of the project (45 U.S.C. 822(c))

Issued in Washington, DC on September 19, 2005.

**Joseph H. Boardman,**

*Federal Railroad Administrator.*

[FR Doc. 05-19094 Filed 9-23-05; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-21859; Notice 2]

#### Toyota Motor North America, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

Toyota Motor North America (Toyota) has determined that certain model year 2003 through 2005 vehicles that it produced do not comply with S5(c)(2) of 49 CFR 571.225, Federal Motor Vehicle Safety Standard (FMVSS) No. 225, "Child restraint anchorage systems." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Toyota has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of the petition was published, with a 30 day comment period, on July 19, 2005 in the **Federal Register** (70 FR 41476). NHTSA received one comment, from Advocates for Highway and Auto Safety (Advocates).

Affected are a total of approximately 156,555 model year 2003 to 2005 Toyota