

petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 8, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

Annex A—Nonconforming Motor Vehicles Decided To Be Eligible For Importation

1. Docket No. 96-102
Nonconforming Vehicles: 1990-1993 Mercedes-Benz 300E 4Matic Passenger Cars
Substantially similar U.S.-certified vehicles: 1990-1993 Mercedes-Benz 300E 4Matic Passenger Cars
Notice of Petition published at: 61 FR 52992 (October 9, 1996)
Vehicle Eligibility Number: VSP-192
2. Docket No. 96-105
Nonconforming Vehicle: 1989 Honda Prelude
Substantially similar U.S.-certified vehicle: 1989 Honda Prelude
Notice of Petition published at: 61 FR 52993 (October 9, 1996)
Vehicle Eligibility Number: VSP-191
3. Docket No. 96-107
Nonconforming Vehicle: 1992 Mercedes-Benz 300TE Passenger Car
Substantially similar U.S.-certified vehicle: 1992 Mercedes-Benz 300TE
Notice of Petition published at: 61 FR 54252 (October 17, 1996)
Vehicle Eligibility Number: VSP-193
4. Docket No. 96-111
Nonconforming Vehicles: 1994, 1995, and 1996 Jaguar XJS Passenger Cars
Substantially similar U.S.-certified vehicles: 1994, 1995, and 1996 Jaguar XJS

Notice of Petition published at: 61 FR 56998 (November 5, 1996)

Vehicle Eligibility Number: VSP-195

5. Docket No. 96-112

Nonconforming Vehicles: 1990-1995 BMW 5 Series Passenger Cars

Substantially similar U.S.-certified

vehicles: 1990-1995 BMW 5 Series

Notice of Petition published at: 61 FR 56997 (November 5, 1996)

Vehicle Eligibility Number: VSP-194

[FR Doc. 97-767 Filed 1-10-97; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 96-127; Notice 1]

Notice of Tentative Decision That Nonconforming 1986 Daimler Limousines Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on tentative decision that nonconforming 1986 Daimler Limousines are eligible for importation.

SUMMARY: This notice requests comments on a tentative decision by the National Highway Traffic Safety Administration (NHTSA) that a 1986 Daimler Limousine that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on this tentative decision is February 12, 1997.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided, either pursuant to a petition from the manufacturer or registered importer or on its own initiative, that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is

no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

On May 9, 1996, NHTSA received from Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer No. 90-009) a petition to decide whether a 1987 Daimler Limousine that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States. Champagne contended that this vehicle is eligible for importation under 49 U.S.C. 30141(a)(1)(A), on the basis that it is substantially similar to a 1985 Daimler Limousine that NHTSA determined to be eligible for importation through a notice published on July 20, 1992 at 57 FR 32051.

After reviewing the petition, NHTSA informed Champagne that the petition could not receive further consideration because the "substantially similar" vehicle it identified was not originally manufactured for import into and sale in the United States, as required under 49 U.S.C. 30141(a)(1)(A)(i), and was not of the same model year as the vehicle that was sought to be imported, as required under 49 U.S.C. 30141(a)(1)(A)(iii). In light of these circumstances, NHTSA advised Champagne to modify its petition to request that the vehicle be determined eligible for importation under 49 U.S.C. 30141(a)(1)(B), on the basis that its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Although Champagne did not formally modify the petition, it did submit to NHTSA a copy of a letter from Jaguar Cars (Jaguar), the United States representative of Jaguar Cars, Ltd., the vehicle's manufacturer. This letter identified the vehicle that Champagne seeks to import as, in actuality, a 1986 Daimler Limousine, and enumerated the Federal motor vehicle safety standards that the vehicle does not meet. Those are Standard Nos. 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 108 *Lamps, Reflective Devices, and Associated Equipment*, 110 *Tire Selection and Rims*, 114 *Theft Protection*, 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 205

Glazing Materials, 208 Occupant Crash Protection, 209 Seat Belt Assemblies, 210 Seat Belt Assembly Anchorages, and 301 Fuel System Integrity.

Additionally, Jaguar stated that the vehicle does not meet the vehicle identification number requirements of 49 CFR part 565, or the Bumper Standard, found at 49 CFR part 581.

Champagne submitted to NHTSA an additional letter, from the Jaguar Daimler Heritage Trust of Coventry, England, stating that the vehicle it seeks to import was hand built, and of a type produced by Jaguar Cars Ltd. until 1992. This letter also stated that although there were "small external cosmetic changes" from vehicle to vehicle, "the external shape, style, engine, gearbox, and chassis of the car all remained the same throughout its production build." Moreover, the letter provided confirmation that a Daimler Limousine built in 1986 "would be no different than a similar car which was built in 1985 apart from any optional extras which may have been ordered * * *."

Based on the information from the Jaguar Daimler Heritage Trust indicating that Daimler Limousines are in all essential respects identical from model year to model year, and NHTSA's prior determination that a 1985 Daimler Limousine is eligible for importation, NHTSA has tentatively decided that the 1986 Daimler Limousine that is the subject of Champagne's petition is eligible for importation.

Tentative Decisions

NHTSA hereby tentatively decides that a 1986 Daimler Limousine that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, those standards.

Vehicle Eligibility Number

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. If this tentative decision is made final, all vehicles admissible under that decision will be assigned vehicle eligibility no. VCA-1.

Comments

Section 30141(b) of Title 49, U.S. Code requires NHTSA to provide a minimum period for public notice and comment on decisions made on its own initiative consistent with ensuring expeditious, but full consideration and avoiding delay by any person. NHTSA

believes that a minimum comment period of 30 days is appropriate for this purpose. Interested persons are invited to submit comments on the tentative decision described above. It is requested, but not required, that five copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of NHTSA's final decision will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: January 8, 1997.

Ricardo Martinez, M.D.,

Administrator.

[FR Doc. 97-793 Filed 1-10-97; 8:45 am]

BILLING CODE 4910-59-P

Surface Transportation Board

[STB Docket No. AB-319 (Sub-No. 3X)]

Florida Central Railroad Company, Inc.; Abandonment Exemption in Seminole County, FL

Florida Central Railroad Company, Inc. (FCEN) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 0.2 miles of railroad between milepost F-1.1 and the end of the track at milepost F-0.9 in Forest City, Seminole County, FL.

FCEN has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.*—

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 12, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by January 23, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 3, 1997, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

FCEN has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by January 17, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: January 6, 1997.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.