

their certification, labeling, and part numbers for purposes of Standard No. 209 compliance. Additionally, Fiat observed that non-U.S. certified Ferraris cannot be readily modified to comply with Standard No. 208. Fiat contended that "major alterations" would be necessary to achieve such compliance, including the addition of an energy-absorbing knee bolster under the dashboard, the creation of new belt anchorage points to accommodate an automatic belt system, the modification of side members to fit motorized shoulder belt tracks, and the addition of a new electronic control unit and wiring for the automatic belt system.

Fiat also noted that U.S. certified Ferraris have 4-point seat belt anchorages to comply with Standard No. 210, while the non-U.S. certified vehicles have 3-point anchorages. Fiat further noted that only the U.S. vehicles have a steel beam in the inner door and a stronger structure on both sides of the door to comply with Standard No. 214, as well as a warning buzzer to indicate that the left door is open. Fiat contended that it would be difficult to properly install the door beam and reinforce the sides of a non-U.S. certified vehicle. Fiat also contended that U.S. certified Ferraris have a stronger front and rear chassis so that they can pass front, rear, and side impact tests under Standard No. 301. Fiat further noted that U.S. certified Ferraris have unique bumpers and brackets with the strength required to pass the pendulum and barrier tests under the Bumper Standard.

NHTSA accorded LPC an opportunity to respond to Fiat's comments. In its response, LPC noted that Ferrari from time to time, for reasons unknown to LPC, installs various U.S. certified components, structures, supports, and hardware on vehicles that are not intended for sale in this country. LPC stated that its petition identified the U.S. certified components, along with their associated structures, brackets, and hardware, which are either installed on the non-U.S. certified vehicle when originally manufactured, or that can be readily installed to produce a vehicle identical to the U.S. certified version.

Specifically, LPC asserted that the non-U.S. certified 1992 Ferrari 348TS is equipped by its manufacturer with a U.S. certified automatic belt system, as well as anchor points, knee bolster, and other components necessary to comply with Standard Nos. 208, 209, and 210. Additionally, LPC contended that the non-U.S. certified 1992 Ferrari 348TS is equipped by its manufacturer with U.S. certified door assemblies that comply with Standard No. 214. LPC also

asserted that the non-U.S. certified vehicle is equipped with U.S. certified front and rear bumpers, structures, supports, and hardware to meet the Bumper Standard, as well as fuel system integrity components necessary to meet Standard No. 301.

NHTSA has reviewed each of the issues that Fiat has raised regarding LPC's petition. NHTSA believes that LPC's responses adequately address each of those issues. NHTSA further notes that the modifications described by LPC have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1992 Ferrari 348TS from being found "capable of being readily modified to comply with all Federal motor vehicle safety standards."

NHTSA has accordingly decided to grant the petition.

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. VSP-161 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Ferrari 348TS not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Ferrari 348TS originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, 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: June 21, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-16383 Filed 6-26-96; 8:45 am]

BILLING CODE 4910-59-P

Surface Transportation Board¹

[STB Finance Docket No. 32947 (Sub-No. 1)]

The A&G Railroad, L.L.C.—Merger— The Bay Line Railroad, L.L.C.— Corporate Family Transaction Exemption

The A&G Railroad, L.L.C. (A&G) and The Bay Line Railroad, L.L.C. (Bay Line) (applicants), both of which are controlled by K. Earl Durden and Green Bay Packaging, Inc., filed a notice of exemption to undertake a transaction within their corporate family that would merge A&G into Bay Line. The transaction is expected to be consummated on or after the June 24, 1996 effective date of the exemption.

A&G owns and operates approximately 27 miles of rail line between Abbeville and Grimes, AL, and operates over 7 miles of CSX Transportation, Inc.'s (CSXT) rail line between Grimes and the Bay Line's rail yard in Dothan, AL, pursuant to incidental trackage rights.

Bay Line owns and operates approximately 79 miles of rail line between Dothan, AL, and Panama City, FL. It interchanges with CSXT at Cottondale, FL, and with CSXT, Norfolk Southern Railway Company, the Hartford & Slocomb Railroad Company, and the A&G at Dothan.

This transaction is related to a notice of exemption concurrently filed in STB Finance Docket No. 32947 (Sub-No. 2), *K. Earl Durden—Acquisition of Control Exemption—Rail Partners, L.P., et al.*, in which K. Earl Durden will acquire 100% control of Rail Partners, L.P., Rail Management and Consulting Corporation, and other shortline railroads.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside applicants' corporate family. The stated purposes of the transaction are to streamline management of the two rail carriers and to facilitate consummation of the transaction in STB Finance Docket No. 32947 (Sub-No. 2).

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This decision relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323-25.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324–25 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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 reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96–16409 Filed 6–26–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board¹

[STB Finance Docket No. 32947 (Sub-No. 2)]

K. Earl Durden—Acquisition of Control Exemption—Rail Partners, L.P., Et Al.

K. Earl Durden (Durden), a noncarrier individual, has filed a notice of exemption to acquire control of Rail Partners, L.P. (Partners), Rail Management and Consulting Corporation (RMCC) and 12 commonly-controlled shortline railroads (hereinafter the RMCC Railroad Group)²

¹ The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This decision relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–25.

² The 12 railroads are: Atlantic & Western Railway, L.P.; The Bay Line Railroad, L.L.C.; Copper Basin Railway; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; Tomahawk Railway, L.P.; Valdosta Railway, L.P.; Western Kentucky Railway, L.L.C.; and Wilmington Terminal Railroad, L.P., which are located in Alabama, Arizona, Arkansas,

through his purchase of Green Bay Packaging, Inc.'s (GBP) ownership interests in the aforementioned entities and railroads. Currently, Durden and GBP each hold a 49.5% interest and RMC holds a 1% interest in Partners, a Delaware limited partnership; Durden and GBP each own a 50% interest in RMCC, a non-carrier holding company; and Durden and GBP each own a 50% interest in each of the railroads in the RMCC Railroad Group. By this transaction, Durden will acquire 100% ownership and control in Partners, RMCC, and the RMCC Railroad Group. The exemption will be effective on June 24, 1996, and the parties intend to consummate this transaction on June 30, 1996.

This transaction is related to a notice of exemption concurrently filed in STB Finance Docket No. 32947 (Sub-No. 1), *The A&G Railroad, L.L.C.—Merger—The Bay Line Railroad, L.L.C.—Corporate Family Transaction Exemption*, for a transaction which would merge the properties of two intracorporate family rail carriers, whose operations connected via trackage rights over a third (unaffiliated) carrier. Once the merger is consummated, the proposed acquisition of control by Durden qualifies for the class exemption for acquisition of control in this proceeding.

Durden states that: (1) The transaction will not result in any of the subject railroads connecting with one another or any railroads in their corporate family; (2) the proposed transaction is not part of a series of anticipated transactions that would connect the subject railroads with each other or any railroad in their corporate family; and the transaction involves only Class III carriers. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324–25 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption

Florida, Georgia, Kentucky, North Carolina, Tennessee, Texas, and Wisconsin.

under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32947 (Sub-No. 2), must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW, Washington, DC 20423. In addition, a copy of each pleading must be served on Edward J. McAndrew, Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036.

Decided: June 21, 1996.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96–16408 Filed 6–26–96; 8:45 am]

BILLING CODE 4915–00–P

Surface Transportation Board¹

[STB Finance Docket No. 32753]

R.J. Corman Railroad Company/ Western Ohio Line—Modified Rail Certificate—Between Lima and Glenmore, OH

On May 13, 1996, R.J. Corman Railroad Company/Western Ohio Line (RJCW) filed a notice for a modified certificate of public convenience and necessity under 49 CFR 1150.23 to operate as a sub-operator a line of railroad, the SPEG Line, between milepost 54.4 at Lima, OH, and milepost 84.2 at Glenmore, OH.

The line was formerly part of the main line of the bankrupt Erie Lackawanna Railway Company (EL) between New York and Chicago. The line was not designated for transfer to Consolidated Rail Corporation (Conrail), but was available for subsidy under section 304 of the Regional Rail Reorganization Act of 1973 (3R Act). *USRA-Final System Plan-July 1975—Vol. II*, page 122. Under section 304, EL gave notice of intent to abandon the line effective March 31, 1976. In 1977, the line was acquired by the Ohio Rail Transportation Authority, and the Spencerville & Elgin Railroad Company (SPEG) was designated as operator. *Certificate of Designated Operator—Spencerville & Elgin Railroad Company*, D–OP 23 (ICC served Feb. 13, 1979).

¹ The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901 and 10903.