

carriers, mitigate safety risks, and evaluate the merits of the program in their State. As part of the implementation plan, each State would accept responsibility for monitoring the performance of the motor carriers it determines to be eligible and for enforcing the conditions it imposes.

The proposed implementation plan requirements meet the conditions imposed by the NHS Act, in that States would be required to ensure a level of safety for home heating oil deliveries equal to or greater than the level of safety resulting from compliance with the current 60-hour and 70-hour rules. The States would also be required to monitor the safety of home heating oil deliveries while participating in the program. The FHWA welcomes any comments on the appropriateness, suitability, or burden of these requirements.

#### VI. Motor Carrier Eligibility

To be eligible for participation, a motor carrier would have to be actively engaged in making intrastate deliveries of home heating oil within a 100 air-mile radius of a central terminal or distribution point. Additionally, a motor carrier could not have a current safety rating of "Unsatisfactory" assigned by the FHWA, or a State-assigned equivalent rating. Participating States would be allowed to establish any additional criteria for participation.

#### VII. Final Evaluation of the Program

The NHS Act requires the FHWA to conduct an evaluation at the conclusion of the program. The principal objective of the evaluation is to provide input to a zero-based review of the need for, and the cost and benefits of, the hours-of-service regulations as they apply to home heating oil delivery operations during the winter months. The NHS Act requires the FHWA to initiate rulemaking to determine, based in part upon the results of the program, whether to continue State-granted waivers of the hours-of-service regulations to motor carriers transporting home heating oil during the winter months, or to amend the hours-of-service regulations to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

#### VIII. Conclusion

After the FHWA reviews the timely comments to this Notice, it will publish a Notice of Final Determination finalizing all aspects of this Project. (23 U.S.C. 315; 49 CFR 1.48)

Issued on: September 25, 1996.  
Rodney E. Slater,  
*Federal Highway Administrator.*  
[FR Doc. 96-25183 Filed 10-1-96; 8:45 am]  
BILLING CODE 4910-22-P

### Federal Railroad Administration

#### Petition for Waivers of Compliance

In accordance with 49 CFR Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Florida East Coast Railway  
FRA Docket Number RSRM-96-1

The Florida East Coast Railway (FEC) seeks a waiver of compliance from 49 CFR Part 221—Rear End Marking Device—Passenger, Commuter and Freight Trains. The FEC is requesting a waiver of compliance to continue to operate trains if the rear end marking device becomes defective enroute, past West Palm Beach and Ft. Lauderdale, Florida. The stopping of trains at West Palm Beach blocks several public road crossings and is considered a dangerous area. FEC feels that time sensitive southbound trains that have an inoperative rear end marking device approaching Ft. Lauderdale should continue to Ft. Pierce, Florida. Ft. Lauderdale is a busy intermodal facility with road crossings at each end which prohibit a train movement, requiring the crew member to walk the entire length of the train.

All defective rear end marking devices would be changed at Ft. Pierce, Florida which is 57 miles north of West Palm Beach and 12½ miles south of Ft. Lauderdale.

Title 49 CFR 221.17 "Movement of Defective Equipment" states in part: (a) Whenever the marking device prescribed in this part becomes inoperative enroute, the train may be moved to the next forward location at where repairs can be made or replaced.

FEC operates 360.7 miles of freight railroad between Jacksonville and Miami, Florida. FEC maintains an Automatic Train Control (ATC) signal system that reduces the possibility for train collisions.

Interested parties are invited to participate in these proceedings by submitting written reviews, 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—RSRM-96-1, and must be submitted in triplicate to the Docket Clerk, Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 30 days from the publication 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 FRA's temporary relocation at 1120 Vermont Avenue NW., room 7051, Washington, DC 20005.

Issued in Washington, DC on September 27, 1996.

Phil Olekszyk,  
*Acting Associate Administrator for Safety.*  
[FR Doc. 96-25239 Filed 10-1-96; 8:45 am]  
BILLING CODE 4910-06-P

### Surface Transportation Board <sup>1</sup>

[STB No. MC-F-20900]

#### Antelope Valley Bus, Inc.—Control—Desert Stage Lines, Inc.

**AGENCY:** Surface Transportation Board.  
**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Antelope Valley Bus, Inc. (Antelope), has filed an application under 49 U.S.C. 14303 to acquire control of Desert Stage Lines, Inc. (Desert). Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

<sup>1</sup> 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 (ICC) 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. 14303.

**DATES:** Comments are due by November 18, 1996. Applicants may reply by December 3, 1996.

**EFFECTIVE DATE:** November 18, 1996.

**ADDRESSES:** Send an original and 10 copies of any comments referring to Docket No. MC-F-20900 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, send one copy of comments to applicants' representative: Eldon M. Johnson, 825 Van Ness Avenue, Suite 601, San Francisco, CA 94109.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** Antelope holds 48-State authority (MC-125057) to transport passengers in special and charter operations.<sup>2</sup> Desert holds authority (MC-140919 Sub 1) to transport passengers in charter or special operations, beginning and ending in Riverside and San Bernardino Counties, CA, and extending to points in Arizona, Nevada, New Mexico, and Utah.

Applicants state that their aggregate gross operating revenues, for the 12-month period that ended on December 31, 1995, exceeded \$2,000,000. They assert that the proposed transaction will preserve motor service because Antelope's financial resources are adequate to ensure that Desert will continue to operate when its owner retires. Additionally, they assert that the transaction's fixed charges will be nominal, that there will be no need to reduce service or increase rates, and that all of Desert's employees will be retained with increased pay and improved benefits.

Applicants certify that: (1) both Antelope and Desert hold satisfactory safety ratings; (2) Antelope maintains sufficient liability insurance to meet the established fitness requirements and is neither domiciled in Mexico nor owned or controlled by persons of that country; and (3) approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representative.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1)

The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

*We find*, that the proposed acquisition of control is consistent with the public interest and that it should be authorized. If any opposing comments are timely filed, this finding will be deemed as having been vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

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

*It is ordered:*

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on November 18, 1996, unless timely opposing comments are filed.

Decided: September 23, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96-25212 Filed 10-1-96; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Specific Export Bond, Distilled Spirits or Wine.

**DATES:** Written comments should be received on or before December 2, 1996 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to Mary Wood, Wine, Beer and Spirits Regulations Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8210.

#### SUPPLEMENTARY INFORMATION:

*Title:* Specific Export Bond, Distilled Spirits or Wine.

*OMB Number:* 1512-0142.

*Form Number:* ATF F 2734 (5100.25).

*Abstract:* ATF F 2734 (5100.25) is used to ensure the payment of taxes on shipments of wine and distilled spirits. The form describes the taxable articles, the surety company, the specific conditions of the bond coverage and the persons that are accountable for tax payment.

*Current Actions:* There are no changes to this information collection and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1.

*Estimated Time Per Respondent:* 1.

*Estimated Total Annual Burden*

*Hours:* 1 hour.

**REQUEST FOR COMMENTS:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Also, ATF requests information regarding any monetary expenses you may incur while completing this form.

Dated: September 26, 1996.

John W. Magaw,

Director.

[FR Doc. 96-25177 Filed 10-1-96; 8:45 am]

BILLING CODE 4810-31-P

<sup>2</sup> Antelope also controls Airport Bus of Bakersfield, Inc., an interstate motor common carrier of passengers. The acquisition of control was exempt from ICC approval because the combined revenues of the two carriers at the time was less than \$2 million.