

Drive, Nashville, TN 37228, Telephone (615)736-5394.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Tennessee Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a partial access-controlled four-lane divided facility from State Route 13 at the existing Cumberland Heights Drive intersection to the State Route 76/North Parkway interchange west of Liberty Church Road in Montgomery County, Tennessee. The proposed State Route 374 would be primarily on new location and will be approximately 10.8-12.2 kilometers (6.7-7.6 miles) in length, depending upon the choice of proposed alternative. Improvements to the corridor are considered necessary to provide for both present and projected traffic needs.

Options under consideration include: (1) Taking no action and (2) constructing a partial access-controlled four-lane divided facility on primarily new location. There are two major build alternatives being proposed.

Letters describing the proposed action and soliciting comments were sent to appropriate federal, state, and local agencies on September 23, 1996. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The Draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address above.

(Catalogue of Federal Domestic assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding state and local clearinghouse review of federal and federally assisted programs and projects apply to this program.)

Issued On: October 30, 1996.

James E. Scapellato,
Division Administrator Tennessee Division,
Nashville, Tennessee.

[FR Doc. 96-28862 Filed 11-8-96; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. M-025]

Request for Public Comment on the Causes of Diversion of Cargo from U.S. East Coast Ports

AGENCY: Maritime Administration, United States Department of Transportation.

ACTION: Notification of open docket for public comment.

SUMMARY: On July 24, 1996, as part of a plan to help sustain long-term growth of the Port of New York/New Jersey, the Department of Transportation announced its intention to study the causes of cargo diversion from U.S. East Coast ports (i.e., the transshipment of U.S. waterborne imports and exports through nearby foreign ports) and to recommend any additional measures that are needed to enhance the international competitiveness of our East Coast ports.

Information is requested on the impact of the following domestic and foreign factors affecting the diversion of cargo from U.S. East Coast ports: shipper and carrier routing preferences; shifting international trade patterns; constraints on the U.S. transportation infrastructure; federal, state and local laws and regulations; port charges and other transportation-related fees; "Global Alliances" of ocean carriers and their impact on port calls and port rotations; landside and waterside interface problems and intermodal factors; aggressive port marketing initiatives; direct and indirect subsidies for port and intermodal infrastructure; and any other factors that impact on the flow of cargo through U.S. East Coast ports. Data on the volume, value and composition of diverted cargo, as well as any other information related to the subject, are also being sought.

The Department is also soliciting comments on measures that are needed to enhance the international competitiveness of our East Coast ports through the 21st Century.

DATES: Comments should be received by December 27, 1996. Comments that are received after that date will be considered to the extent possible.

ADDRESSES: To facilitate review, four copies of comments should be sent to: Secretary, Maritime Administration, Room 7210 United States Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Telefax number (202) 366-9206.

FOR FURTHER INFORMATION CONTACT: Bruce J. Carlton, Associate

Administrator for Policy, International Trade and Marketing, (202) 366-5772.

By Order of the Maritime Administrator.

Dated: November 6, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96-28921 Filed 11-9-96; 8:45 am]

BILLING CODE 4910-81-P

National Highway Traffic Safety Administration

Denial of Petition for a Defect Investigation

This notice sets forth the reason for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30162(a)(2) (formerly section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended).

By letter dated June 26, 1996, Randall H. Mierzejewski of Manchester, New Hampshire, petitioned the Administrator of NHTSA for an investigation of seat belts in 1988 Subaru 4x4 DL Station Wagons.

NHTSA is the government agency authorized, under Chapter 301 of Title 49 of the United States Code, to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when investigations indicate that they contain serious safety-related defects in design, construction or performance. Based upon the results of an investigation, the agency may seek a recall when such defects appear in a group of vehicles and are related to motor vehicle safety. The agency cannot act on isolated problems or disputes between individual owners and manufacturers.

NHTSA is also authorized under Chapter 301 to order manufacturers to recall and repair vehicles or items of motor vehicle equipment that do not comply with all applicable Federal motor vehicle safety standards at the time of their manufacture. However, inasmuch as the petitioner is alleging a problem relating to a rollover accident that occurred in November 1995 on a 1988 model year vehicle, i.e., several years after the vehicle's manufacture and first purchase, NHTSA did not treat the petitioner's request as a petition for an investigation of a possible noncompliance with a Federal motor vehicle safety standard.

Rather, the agency treated the request as a petition to commence an investigation that could result in an order to recall 1988 Subaru DL Station Wagons to remedy an alleged safety-related defect. While the petitioner lists

several alleged causes of the rollover, the only specific defect the petitioner alleges is the failure of the safety belt system to hold the occupant in a rollover. Consequently, the agency focused on that alleged defect in processing the petition.

NHTSA's Office of Defects Investigation searched its computerized database for all complaints relating to the safety belt system on model year 1987 through 1989 Subaru vehicles. The complaint descriptions were examined for any problem relating to failure of the safety belt system to restrain the occupant in a vehicle accident. The search yielded only six complaints, four of which were on 1988 Subaru GL models (sedan and wagon styles) and the other two of which were on DL model wagons, one for model year 1987 and another for model year 1989.

Of these six complaints, four had incident dates prior to the end of calendar year 1991. The remaining two were dated June and December 1995. The DL model complaints had incident dates of June 1990 and November 1991. Three out of the six complaints were allegedly accident related and four injuries resulted. The injuries have not been confirmed to be the result of a safety belt malfunction.

In order to gauge the severity of the issue, the six Subaru complaints were compared with those on 14 other similar models for the model years 1987 through 1989. All complaint rates are based on number of complaints versus the vehicle population. The database showed that the Subaru GL/DL models had lower "failure to restrain" complaint rates than did many other models. The rates varied from 5.39 to 0.64, with an average rate of 2.47 complaints per 100,000 vehicles. The Subaru GL/DL complaint rate for model years 1987 through 1989 was 1.71.

The Office of Defects Investigation also searched its databases for any recalls, past or present investigations, and any service bulletins relating to the alleged defect on 1988 Subaru vehicles and found none.

Based on the information available at this time, the fact that the Subaru "failure to restrain" complaint rate is lower than that of other similar models (i.e., Toyota Tercel, Honda Civic, Ford Escort and Toyota Camry), and the petitioner's failure to specify any particular problem with respect to the design or construction of the subject safety belt system, the agency has determined that it would not be appropriate to devote agency resources to an investigation. For the above reasons, the petition is hereby denied.

Authority: 49 U.S.C. 30162(a); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 1, 1996.

Michael B. Brownlee,
Associate Administrator for Safety Assurance.

[FR Doc. 96-28901 Filed 11-8-96; 8:45 am]

BILLING CODE 4910-59-P

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., November 20, 1996, Corporation's Washington, D.C. office, 400 7th Street, S.W., Suite 5424, Washington, D.C. 20590 via conference call. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Review of Programs; New Business; and Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than November 18, 1996, Marc C. Owen, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590; 202-366-0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on October 30, 1996.

Marc C. Owen,
Advisory Board Liaison.

[FR Doc. 96-28839 Filed 11-8-96; 8:45 am]

BILLING CODE 4910-61-M

Surface Transportation Board

[STB Finance Docket No. 33131]

Dallas, Garland and Northeastern Railroad—Trackage Rights Exemption—The Kansas City Southern Railway Company

The Kansas City Southern Railway Company (KCS) has agreed to grant local trackage rights to the Dallas, Garland and Northeastern Railroad (DGNO) over tracks in Dallas, TX, from milepost 210.5 (STA 3521 + 45), in Garland, TX, to milepost 220.28 (STA 3006 + 89), in Tenneson, TX, and from

the point of switch at KCS's connection with the Browder yard at milepost 5 + 2677.87 (STA 423 + 35.2) to milepost 8+4886 (STA 290 + 77.87) on the trackage commonly known as the Hale Cement Spur.

The transaction was scheduled to be consummated on October 10, 1996.

The trackage rights will improve the efficiency of operations in the West Dallas area and increase the satisfaction of shippers located on the Hale Cement Spur.

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. 33131, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Jay M. Nadlman, Esq., The Kansas City Southern Railway Company, 114 West Eleventh Street, Kansas City, MO 64105.

Decided: November 5, 1996.

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

[FR Doc. 96-28886 Filed 11-8-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33245]

Southern Pacific Transportation Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to Southern Pacific Transportation Company (SP) over three rail segments that total approximately 85.6 miles of contiguous rail lines located in Oakland and in the vicinity of Oakland, CA, as follows: (1) The Canyon Subdivision between Magnolia Tower (MP 5.80) and Niles Junction (MP 30.90); (2) the Canyon Subdivision between Stockton (MP 91.50) and Haggin Yard (Sacramento) (MP 139.80);