

requesting that it be permitted to extend the clean, oil, test and stencil (COT&S) period from 36 months to 48 months for its private railroad passenger car PPCX 800237, which is equipped with 26-C air brake.

Title 49 CFR 232.17 (b)(2) states: "Brake equipment on passenger cars must be cleaned, repaired, lubricated and tested as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than as required in Standard S-045 in the Manual of Standards and Recommended Practices of the AAR." Standard S-045 specifies 36 months for the 26-C type air brake equipment.

The Palm Leaf Corporation requests approval under the same conditions as granted to the National Railroad Passenger Corporation (Amtrak) in FRA Docket No.: H-94-3.

1. That 26-C brake equipment on passenger cars must be cleaned, repaired, lubricated and tested (COT&S) as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than once each 48 months;

2. All passenger cars with 26-C brake equipment must be single car tested in accordance with the current AAR Standard S-044 each time it is on a shop or repair track but not less frequently than once each 12 months.

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: PB-96-5) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of 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 docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on November 7, 1996.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 96-29314 Filed 11-14-96; 8:45 am]

BILLING CODE 4910-06-P

## Maritime Administration

### [Docket MSP-003]

#### OSG Car Carriers, Inc.; Notice of Application Pursuant to Section 656 of the Merchant Marine Act, 1936, as Amended

OSG Car Carriers, Inc. (OSG) by application received October 22, 1996, and supplemented by letter dated November 4, 1996 applied under Section 651, Subtitle B, of the Act for participation in the Maritime Security Program (MSP). In support of its application OSG submitted information pertaining to its level of noncontiguous domestic trade service. Pursuant to section 656 of the Act, the Maritime Administration must determine OSG's level of noncontiguous domestic trade service should it become party to a MSP operating agreement.

In support of its request OSG described its level of service provided in each noncontiguous domestic trade served as of August 9, 1995. The vessels listed below are contract (liquid bulk) carriers, rather than common carriers, and their itineraries are determined by their respective charters. These vessels operate from time to time in the noncontiguous domestic trades between the contiguous 48 States and Alaska, Hawaii, the U.S. Virgin Islands or Puerto Rico and between Alaska and the U.S. Virgin Islands. OSG's submittal of noncontiguous domestic trade service, as well as its affiliates, was provided as follows:

#### Applicant's Noncontiguous Trade

<i>Name</i>	<i>Dead-weight tonnage</i>
Overseas Boston .....	120,800
Overseas Juneau .....	120,500
Overseas Chicago .....	90,650
Overseas Ohio .....	90,550
Overseas Washington .....	90,500
Overseas New York .....	90,400
Overseas Arctic .....	62,000
Overseas Alaska .....	62,000
Overseas New Orleans .....	42,950
Overseas Philadelphia .....	42,600
Overseas Vivian .....	37,800
Overseas Alice .....	37,800
Overseas Valdez .....	37,800

OSG further clarified the level of service provided by its affiliates in the noncontiguous domestic trades in the year preceding August 9, 1995 as being 100% of the annual capacity of their entire fleet of U.S. flag tankers, i.e., 926,350 deadweight tons.

OSG states that the Maritime Security Act defines the term "level of service" provided by a contractor [operating non-container Vessels] in a trade as of a date \* \* \*" to mean "the total annual capacity provided by the contractor in that trade for the twelve calendar months preceding that date." [Section 4(h)(1)(A)]. OSG asserts that all of the U.S.-flag tankers operated by the Applicant's affiliates are liquid bulk carriers offered for charter; they are not common carriers that operate on predetermined schedules or itineraries. The movements of the vessels are entirely up to the charterer. The "trade" in which those tankers operate is therefore a worldwide trade, and by inclusion, the noncontiguous domestic trade.

OSG states that the use of 100% of the capacity of tankers utilized in the noncontiguous domestic trade is supported by the proviso of Section 4(h)(1)(A) by which Congress permitted the "level of service" for certain "contract carrier tug and barge service" to be calculated on the basis of 100% of vessel capacity. Where Congress addressed the issue of "level of service" provided by carriers that have no itineraries (which is OSG's case), Congress prescribed a reference to 100% of capacity. Congress states that it has recognized that a definition of "trade" by area, rather than specific ports, is required for bulk vessels. Before 1970, and before bulk carriers were made eligible for subsidy, Section 905(a) of the Merchant Marine Act, 1936, 46 U.S.C. 1244, defined "foreign trade" as "trade between the United States \* \* \* and a foreign country". The Merchant Marine Act of 1970, P.L. 91-469, 91st Cong. 2d Sess., amended the definition in Section 905(a) to "include, in the case of liquid and dry bulk carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such a manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary." As explained in the Senate Report on the Merchant Marine Act 1970, Congress was concerned that "a narrow construction of the [earlier] definition [of foreign trade] might prove unduly restrictive as applied to bulk cargo

vessels which are not to be included in the program for the first time." Therefore, Congress "amended this section to authorize the Secretary of Commerce to promulgate regulations to include sufficient flexibility to make the new bulk cargo vessels competitive." Senate Rept. 91-1080, 91st Cong. 2d Sess., reprinted in 1970 USCCAAN, p. 4194. Similar considerations require a nonspecific definition of the "trade" of liquid bulk vessels under the Maritime Security Act.

OSG asserts that the vessels "provided" in that "trade" are all the U.S.-flag tankers of OSG's affiliates. The service "provided" is construed to include periods of lay-up because the failure to operate was due to conditions beyond the control of OSG's affiliates. Compare Section 805 of the Merchant Marine Act, 1936. 46 U.S.C. 1223, which includes in grandfathered service "interruptions of service over which the applicant or its predecessor in interest had no control."

Any person, firm or corporation having any interest in the application for section 656 consent and desiring to submit comments concerning OSG's request must by 5:00 PM December 16, 1996 file comments in triplicate to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

By Order of the Maritime Administrator.

Dated: November 13, 1996.

Joel C. Richard,

*Secretary, Maritime Administration.*

[FR Doc. 96-29458 Filed 11-14-96; 8:45 am]

BILLING CODE 4910-81-P

## **National Highway Traffic Safety Administration**

### **Safety Performance Standards, Research and Safety Assurance Programs Meetings**

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of NHTSA Industry Meetings.

**SUMMARY:** This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory, safety assurance and other programs. In addition, NHTSA will hold a separate public meeting to describe and discuss specific research and development projects.

**DATES:** The Agency's regular, quarterly public meeting relating to its vehicle regulatory, safety assurance and other

programs will be held on December 12, 1996, beginning at 9:45 a.m. and ending at approximately 12:30 p.m. Questions relating to the above programs must be submitted in writing by December 3, 1996, to the address shown below. If sufficient time is available, questions received after December 3 may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by December 3, 1996, and the issues to be discussed will be transmitted to interested persons by December 6, 1996, and will be available at the meeting. Also, the agency will hold a second public meeting on December 11, devoted exclusively to a presentation of research and development programs. This meeting will begin at 1:30 p.m. and end at approximately 5:00 p.m. That meeting is described more fully in a separate announcement. The next NHTSA Industry Meeting will take place in March. More details on the date and its location will be announced at the December 12, Industry Meeting.

**ADDRESSES:** Questions for the December 12, NHTSA Technical Industry Meeting, relating to the agency's vehicle regulatory and safety assurance programs, should be submitted to Delia Gage, NPS-01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202-366-4329. The meeting will be held at the Royce Hotel, 315000 Wick Road, Romulus, Michigan.

**FOR FURTHER INFORMATION CONTACT:** Steven Kratzke, (202) 336-4931.

**SUPPLEMENTARY INFORMATION:** NHTSA will hold this regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory, safety assurance and other programs. Questions on aspects of the agency's research and development activities that relate to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW.,

Washington, DC 20590. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m. We would appreciate the questions you send us to be organized by categories to help us to process the questions into agenda form more efficiently. Sample format as follows:

- I. Rulemaking
  - A. Crash avoidance
  - B. Crashworthiness
  - C. Other Rulemakings
- II. Consumer Information
- III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, Brailled materials, or large print materials and/or a magnifying device), Please contact Delia Gage on (202) 366-1810, by COB December 3, 1996.

Issued November 12, 1996.

L. Robert Shelton,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-29363 Filed 11-14-96; 8:45 am]

BILLING CODE 4910-59-M

## **[Docket No. 96-116, Notice 1]**

### **Capacity of Texas, Inc.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121**

Collins Industries of Hutchinson, Kansas, on behalf of its subsidiary, Capacity of Texas, Inc., of Longview, Texas, has applied for a temporary exemption from paragraph S5.1.6 of Federal Motor Vehicle Safety Standard No. 121 *Air Brake Systems*. The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

This notice of receipt of the application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

Paragraph S5.1.6 (which includes S5.1.6.1-S5.1.6.3) of Standard No. 121 requires in pertinent part that each truck tractor manufactured on and after March 1, 1997, be equipped with an antilock brake system. Capacity of Texas ("Capacity") has asked that one of its truck tractors be exempted for three months from the provisions of S5.1.6 that will apply to it effective March 1, 1997. Capacity manufactures the Trailer Jockey "Model TJ-5000 (Off Highway)" truck tractor. Terming it a "yard