

second sentences and adding, in their place, the following:

§ 225.25 Recordkeeping.

* * * * *

(h) Except as provided in paragraph(h)(15) of this section, a listing of all injuries and occupational illnesses reported to FRA as having occurred at an establishment shall be posted in a conspicuous location at that establishment, within 30 days after the expiration of the month during which the injuries and illnesses occurred, if the establishment has been in continual operation for a minimum of 90 calendar days. If the establishment has not been in continual operation for a minimum of 90 calendar days, the listing of all injuries and occupational illnesses reported to FRA as having occurred at the establishment shall be posted, within 30 days after the expiration of the month during which the injuries and illnesses occurred, in a conspicuous location at the next higher organizational level establishment, such as one of the following: an operating division headquarters; a major classification yard or terminal headquarters; a major equipment maintenance or repair installation, *e.g.*, a locomotive or rail car repair or construction facility; a railroad signal and maintenance-of-way division headquarters; or a central location where track or signal maintenance employees are assigned as a headquarters or receive work assignments. These examples include facilities that are generally major facilities of a permanent nature where the railroad generally posts or disseminates company informational notices and policies, *e.g.*, the policy statement in the internal control plan required by § 225.33 concerning harassment and intimidation. At a minimum, "establishment" posting is required and shall include locations where a railroad reasonably expects its employees to report during a 12-month period and to have the opportunity to observe the posted list containing any reportable injuries or illnesses they have suffered during the applicable period.

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6. The introductory text of § 225.25(h) is further amended by removing the last sentence and adding, in its place, the following:

§ 225.25 Recordkeeping.

* * * * *

(h) * * * The listing shall contain, at a minimum, the information specified

in paragraphs(h)(1) through (14) of this section.

* * * * *

7. In § 225.25, paragraphs(h)(12) and (13) are revised and new paragraph(h)(15) is added to read as follows:

§ 225.25 Recordkeeping.

* * * * *

(h) * * *

(12) Preparer's name, title, telephone number with area code, and signature (or, in lieu of signing each establishment's list of reportable injuries and illnesses, the railroad's preparer of this monthly list may sign a cover sheet or memorandum which contains a list of each railroad establishment for which a monthly list of reportable injuries and illnesses has been prepared. This cover memorandum shall be signed by the preparer and shall have attached to it a duplicate copy of each establishment's list of monthly reportable injuries and illnesses. The preparer of the monthly lists of reportable injuries and illnesses shall mail or send by facsimile each establishment's list to the establishment in the time frame prescribed in paragraph (h) of this section.); and

(13) Date the record was completed.

* * * * *

(15) The railroad is permitted not to post information on an injury or illness only if the employee who incurred the injury or illness makes a request in writing to the railroad's reporting officer that his or her particular injury or illness not be posted.

§ 225.27 [Amended]

8. The second sentence of § 225.27(a) is amended by removing the words "they relate" and adding, in their place, "it relates".

§ 225.33 [Amended]

9. The third sentence of the introductory text of § 225.33(a) is amended by removing the word "ten".

Issued in Washington, D.C., on December 16, 1996.

Jolene M. Molitoris,

Federal Railroad Administrator.

[FR Doc. 96-32420 Filed 12-20-96; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 96-067; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision to Grant Exemption

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final decision.

SUMMARY: This final decision responds to a joint petition filed by Vector Aeromotive Corporation (Vector) and Automobili Lamborghini S.p.A. (Lamborghini) requesting that each company be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model years (MYs) 1995 through 1997, and that lower alternative standards be established. In this document, NHTSA is establishing alternative standards of 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997, for Lamborghini and Vector.

DATES: *Effective date:* February 6, 1997. *Applicability dates:* This exemption and the alternative standards apply to Lamborghini and Vector for MYs 1995, 1996 and 1997.

Petitions for reconsideration: Petitions for reconsideration must be received no later than February 6, 1997.

ADDRESSES: Petitions for reconsideration of this rule should refer to the docket number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Henrietta Spinner, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington DC 20590. Ms. Spinner's telephone number is: (202) 366-4802.

SUPPLEMENTARY INFORMATION:

Background

NHTSA is exempting Lamborghini and Vector from the generally applicable average fuel economy standard for 1995, 1996 and 1997 model year passenger automobiles and establishing alternative standards applicable to Lamborghini and Vector for each of these model years. This exemption is issued under the authority of section 32902(d) of Chapter 329 of Title 49 of the United States Code (formerly section 502(c) of the Motor Vehicle Information and Cost Savings

Act)(49 U.S.C. 32902(d)). Section 32902(d) provides that NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards for passenger automobiles if the agency concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining maximum feasible average fuel economy, the agency is required by section 32902(f) of the Act to consider:

- (1) Technological feasibility;
- (2) Economic practicability;
- (3) The effect of other Federal motor vehicle standards on fuel economy; and
- (4) The need of the Nation to conserve energy.

Proposed Decision and Public Comment

This final decision was preceded by a proposal announcing the agency's tentative conclusion that Lamborghini and Vector should be exempted from the generally applicable MY 1995, 1996 and 1997 passenger automobile average fuel economy standard of 27.5 mpg, and that an alternative standard of 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997 be established for Lamborghini and Vector (61 FR 39429; July 29, 1996). The agency did not receive any comments in response to the proposed decision.

NHTSA Final Determination

Therefore, the agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level for Lamborghini and Vector is 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this exemption, NHTSA hereby exempts Lamborghini and Vector from the generally applicable passenger automobile average fuel economy standard for the 1995, 1996 and 1997

model year and establishes an alternative standard of 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997 for Lamborghini and Vector.

Regulatory Impacts

NHTSA has analyzed this decision, and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Lamborghini and Vector. If the Departmental policies and procedures were applicable, the agency would have determined that this action is not "significant." The principal impact of this exemption is that Lamborghini and Vector will not be required to pay civil penalties if they achieve a CAFE level equivalent to the alternative standard established in this notice. Since this decision sets an alternative standard at the level determined to be Lamborghini and Vector's maximum feasible average fuel economy, no fuel would be saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which limit the amount of emissions per mile traveled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Lamborghini and Vector's 1995, 1996 and 1997 model year automobiles cannot achieve better fuel economy than 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997, granting this exemption will not affect the amount of gasoline consumed.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Lamborghini and Vector. It relieves the company from having to pay civil penalties for noncompliance with the generally applicable standard for MY 1995, 1996 and 1997. Since the price of 1995, 1996 and 1997 Lamborghini and Vector automobiles will not be affected

by this decision, the purchasers will not be affected.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR Part 531 is amended as follows:

PART 531—[AMENDED]

1. The authority citation for Part 531 continues to read as follows:

Authority: 49 U.S.C. 32902; Delegation of authority at 49 CFR 1.50.

2. In section 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(12) is added to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(10) Automobili Lamborghini S.p.A./ Vector Aeromotive Corporation.

Model year	Average fuel economy standard (miles per gallon)
1995	12.8
1996	12.6
1997	12.5

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Issued on: December 18, 1996.

L. Robert Shelton,
Associate Administrator for Safety Performance Standards.

[FR Doc. 96-32546 Filed 12-20-96; 8:45 am]

BILLING CODE 4910-59-U

Federal Transit Administration

49 CFR Part 659

RIN 2132-AA57

Rail Fixed Guideway Systems; State Safety Oversight

AGENCY: Federal Transit Administration, DOT.

ACTION: Final rule; technical amendments.

SUMMARY: The Federal Transit Administration (FTA) is making technical amendments to the State Safety Oversight rule to correct minor errors. This rule is intended to clarify the existing rule.

EFFECTIVE DATE: December 23, 1996.