

229.125(d) which requires each lead locomotive operating at speeds over 20 mph over one or more public highway-rail crossings be equipped with operative auxiliary lights effective December 31, 1997.

UP indicates that they currently have 3060 locomotives equipped with auxiliary lights which accounts for 49.4 percent of their locomotive fleet. The railroad states they have experienced increased business levels, and locomotives scheduled for retirement prior to the rule taking effect will now be continued in service. The railroad plans to continue to equip locomotives as they are shopped for reasons other than periodic maintenance. Whenever possible, equipped locomotives will be utilized as lead units.

Meridian & Bigbee Railroad Company

[Waiver Petition Docket Number PB-97-7]

The Meridian & Bigbee Railroad Company (MBRR) seeks a permanent waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations, 49 CFR Section 232.23, requiring the use of two-way end-of-train telemetry devices.

MBRR operates one train at a time, seven days a week, between the hours of 6 a.m. and 6 p.m., and one train at a time, four days a week, Monday through Thursday, between the hours of 6 p.m. and 6 a.m. The day train originates in Meridian, Mississippi, runs to Myrtlewood, Alabama, then returns to Meridian. The night train originates in Meridian, runs to Naheola, Alabama, then returns to Meridian. Both trains operate with a three man crew and complete the scheduled round-trips within an average of ten hours. The maximum track speed is 40 mph and the ruling grade on the mainline is 0.92 percent. The average tonnage on eastbound trains is 3,020 tons and westbound trains 3,454 tons, although these figures many times go above 4,000 tons. MBRR would continue to use a one-way end-of-train device on their trains.

MBRR states that the type of accidents which would require a two-way device to apply brakes on the rear portion of the train has never occurred and probably would never occur on their railroad. MBRR does not feel safety would be compromised if two-way end-of-train devices were not required on their trains, and that to reduce their track speed to 30 mph would reduce timely service to their customers and connecting railroads with no increase in safety.

White River Scenic Railroad, Incorporated

[Waiver Petition Docket Number RSGM-97-5]

The White River Scenic Railroad, Incorporated (WRR) seeks a permanent waiver of compliance with the Safety Glazing Standards, 49 CFR part 223.11(c), which requires certified glazing in all locomotive windows except locomotives used in yard service. WRR is seeking this waiver for locomotive number WRR 2089, built in 1952 by the American Locomotive Company for the United States Army Transportation Corps, which was never equipped with FRA certified glazing. The locomotive owner indicates that the locomotive is utilized in passenger excursion service between Flippin and Sylamore, Arkansas, in a rural area along the White River. The railroad's maximum authorized speed is 25 mph.

Burlington Northern Santa Fe Railway

[Waiver Petition Docket Numbers SA-97-5 and PB-97-8]

The Burlington Northern Santa Fe Railway (BNSF) seeks a waiver of compliance from certain provisions of the Safety Appliance Standards, 49 CFR Section 231, for operating the Triple Crown RoadRailer trains between Argentine Yard in Kansas City, Kansas, and the Saginaw Yard in Saginaw, Texas.

The train consist will be restricted to 125 RoadRailers equipped with a CouplerMate between the hauling locomotive and the first car in the RoadRailer train.

The RoadRailer has no safety appliances and the waiver would permit non-compliance with all the provisions of the Safety Appliance Standards. These regulatory standards include provisions for the number, location, and dimensional specification for the handholds, ladders, sill steps, and hand brakes that are required for each railroad freight car.

Burlington Northern Santa Fe Railway

[Waiver Petition Docket Numbers SA-97-6 and PB-97-11]

The Burlington Northern Santa Fe Railway (BNSF) seeks a waiver of compliance from certain provisions of the Safety Appliance Standards, 49 CFR Section 231, for operating a Thrall built articulated multi-level car and Wabash AllRailer and AutoRailer train between San Diego and Richmond, California.

The train makeup would consist of the two units, Thrall built, articulated multi-level car on the head end, followed by a CouplerMate and three

unit AllRailers, and then another CouplerMate and eleven AutoRailers.

The RoadRailer has no safety appliances and the waiver would permit non-compliance with all the provisions of the Safety Appliance Standards. These regulatory standards include provisions for the number, location, and dimensional specification for the handholds, ladders, sill steps, and hand brakes that are required for each railroad freight car.

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 LI-97-5) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, S.W., Mail Stop 10, Washington, D.C. 20590. Communications received within 30 days of the date 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 (9:00 a.m.—5:00 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 5, 1997.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 97-29615 Filed 11-7-97; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-97-3056]

Notice of Receipt of Petition for Decision That Nonconforming 1992 BMW 7 Series Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 BMW

7 Series passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1992 BMW 7 Series passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is December 10, 1997.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 10 am to 5 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Kingsville, Maryland ("J.K.") (Registered Importer 90-006) has petitioned NHTSA to decide whether 1992 BMW 7 Series passenger cars are eligible for importation into the United States. The vehicles which J.K. believes are substantially similar are 1992 BMW 7 Series passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer, Bayerische Motoren Werke, A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1992 BMW 7 Series passenger cars to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1992 BMW 7 Series passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1992 BMW 7 Series passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1992 BMW 7 Series passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with the ECE

symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model sealed beam headlamps and front sidemarker lights; (b) installation of U.S.-model taillamps which incorporate rear sidemarker lights; (c) installation of a U.S.-model high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: installation of a tire information placard.

Standard No. 111 *Rearview Mirror*: replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection*: installation of a warning buzzer microswitch in the steering lock assembly and a warning buzzer.

Standard No. 118 *Power Window Systems*: installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: installation of a seat belt warning buzzer, wired to the driver's seat belt latch. The petitioner states that non-U.S. certified 1992 BMW 7 Series passenger cars are equipped in both front seating positions with a door-mounted automatic belt system that is identical to the automatic belt system found on their U.S. certified counterparts. Additionally, the petitioner states that the vehicles are equipped in their rear seating positions with manual belts identical to those on U.S. certified vehicles.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicles to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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: November 4, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 97-29603 Filed 11-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-97-3067; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1992-1994 Kawasaki EL250 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992-1994 Kawasaki EL250 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1992-1994 Kawasaki EL250 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is December 10, 1997.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 10 am to 5 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is

substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90-009) has petitioned NHTSA to decide whether 1992-1994 Kawasaki EL250 motorcycles are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1992-1994 Kawasaki EX-250 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared 1992-1994 Kawasaki EL250 motorcycles to 1992-1994 Kawasaki EX-250 motorcycles, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1992-1994 Kawasaki EL250 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as 1992-1994 Kawasaki EX-250 motorcycles, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that 1992-1994 Kawasaki EL250 motorcycles are identical to 1992-1994 Kawasaki EX-250 motorcycles with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

Petitioner also contends that the vehicles are capable of being readily

altered to meet the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: installation of U.S.-model headlamp assemblies.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays*: installation of a U.S. model speedometer calibrated in miles per hour.

The petitioner also states that vehicle identification number plates meeting the requirements of 49 CFR Part 565 will be affixed to 1992-1994 Kawasaki EL250 motorcycles.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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: November 4, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 97-29604 Filed 11-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-97-3021; Notice 2]

Notice of Receipt of Petition for Decision That Nonconforming 1994-1997 BMW R1100 Motorcycles Are Eligible for Importation; Correction

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

ACTION: Correction to notice of receipt of petition for decision that nonconforming 1994-1997 BMW R1100 motorcycles are eligible for importation.

SUMMARY: This document corrects a notice published Wednesday, October 22, 1997 (62 FR 54896) announcing receipt by NHTSA of a petition for a