single main track, between Cedar Falls, Iowa, milepost 283.5 and Fort Dodge, Iowa, milepost 376.1, on the Western Division, Fort Dodge Subdivision, associated with the installation of state of the art, multi-aspect, traffic control signal (TCS) and automatic block signal (ABC) systems, utilizing electronic coded track circuits and pole line elimination, at the following locations:

- TCS .... milepost 283.5 to milepost 325.5
- ABS ... milepost 325.5 to milepost 327.7
- TCS .... milepost 327.7 to milepost 352.7
- ABS ... milepost 352.7 to milepost 355.6
- TCS .... milepost 355.6 to milepost 373.7
- ABS ... milepost 373.7 to milepost 376.1

The reasons given for the proposed changes are as follows:

1. The inability to acquire replacement parts for the functionally and technologically obsolete, two aspect, automatic train stop (ATS) system, which utilizes vacuum tube technology;

2. The existing ATS system provides only two indications, proceed and proceed at restricted speed, therefore reducing systems credibility and operation efficiency;

3. The installation of the new TCS and ABS multi-aspect systems will provide train engineers more information about braking and route integrity, thereby improving train handling, efficiency, and safety; and

4. The installation of the new systems will effectively renew all signal equipment on the territory with state of the art technology and will eliminate the existing pole line.

Any interested party desiring to protest the granting of an application shall set forth specifically the ground upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on September 9, 1996.

Phil Olekszyk,

Acting Associate Administrator for Safety.

[FR Doc. 96–25635 Filed 10–4–96; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

[Docket No. 96–108; Notice 1]

General Motors Corporation; Receipt of Application for Decision of Inconsequential; Noncompliance

General Motors Corporation, (GM) of Warren, Michigan, has determined that certain 1996 Saturn passenger cars fail to conform to the requirements of 49 CFR 571.115, Federal Motor Vehicle Safety Standard (FMVSS)115, ''Vehicle Identification Number,'' and has filed an appropriate report pursuant to 49 CFR Part 573 ''Defect and Noncompliance Information Report.'' GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C., Section 30118 and 30120 and 49 CFR Part 556, ''Exemption for inconsequential defect or noncompliance,'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118(d) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S4.6 of FMVSS No. 115 requires that the VIN for passenger cars, * * * be located inside the passenger compartment. It shall be readable, without moving any part of the vehicle through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision * * *. Each character in the VIN subject to this paragraph shall have a minimum height of 4 mm.

GM's description of the noncompliance follows: From December 1 through 31, 1995, approximately 403 Saturn, Model Year 1996 vehicles were produced which fail to comply with requirements in FMVSS No. 115. Because of a temporary deviation from the normal production process, the instrument panel upper trim cover partially obscured the lower portion of the VIN plates on 260 cars shipped to Saturn retailers. GM first became aware of this condition in January of 1996. The characters on the VIN plate are 4 millimeters high. Based on measurements of 25 cars, Saturn estimates that up to one millimeter of some characters was covered on 91.9% of the cars and more than one millimeter was covered on only 8.1% of the cars (about 22 cars). It is easy to read the VIN characters when up to one millimeter is covered.

GM supported its application for inconsequential noncompliance with the following:

''The VIN is in two other easily accessible places—the certification label on the driver's door and the service parts label on the spare tire cover (the owner's manual identifies these locations). Derivatives of the VIN also appear on the engine and transmission. Because the VIN appears in several places on these cars, as well as on the car's title and registration, these cars can be easily identified for the purpose of determining whether they are subject to [recall] campaigns.

''GM uses a 'posident style' font * * * in which each character has a unique upper and lower half. Police agencies have copies of the font sample and will be able to read the VIN even in the worst case condition (2.25 millimeters was the highest obscuration measured). Even without the aid of the font sample, a customer will likely be able to read most of the characters.

''Saturn has not received any field service reports or complaints from customers, dealers, motor vehicle registration officials, or law enforcement personnel. This indicates that no one is being seriously inconvenienced by this condition.

''The NHTSA has agreed that other comparable instances of non-compliance with FMVSS 115 were inconsequential: Marina Mobili, Inc., 51 FR 40367 (50 motorcycles with less than 17 characters in VIN); Volvo White Truck Corp., 47 FR 35063 (46 trucks with wrong model year code); General Motors Corp., 58 FR 32167 (630 cars with VIN characters smaller than 4 millimeters).

''[GM] this non-compliance is inconsequential to motor vehicle safety. A recall would impose costs on Saturn and inconvenience its customers without creating any safety benefit.''

Interested persons are invited to submit written data, views, and arguments on the application of GM, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: November 6, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: October 1, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–25611 Filed 10–4–96; 8:45 am]

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Surface Transportation Board

[STB Ex Parte No. 533]

FEDERAL MARITIME COMMISSION

[Docket No. 96–04]

Noncontiguous Domestic Trade Tariffs

AGENCIES: Surface Transportation Board, Department of Transportation; Federal Maritime Commission.

ACTION: Notice.

SUMMARY: The Surface Transportation Board (STB or Board) and the Federal Maritime Commission (FMC or Commission) provide notice as to how they are implementing the provisions of the ICC Termination Act of 1995 involving tariff filing and rate reasonableness in the noncontiguous domestic trade (49 U.S.C. 13701 and 13702).[1]

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Craig Keats, Office of the General Counsel, STB, (202) 927–6046 or John Cunningham, Office of the General Counsel, FMC, (202) 523–5740. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICC Termination Act), abolished the Interstate Commerce Commission (ICC). The ICC Termination Act transferred jurisdiction over ''port to port'' operations in the noncontiguous domestic trade, which had formerly been regulated by the FMC under the Intercoastal Shipping Act, 1933 (1933 Act) (46 U.S.C. 843–848), to the Board. *See* new 49 U.S.C. 13501 and 13521 (giving the Board jurisdiction over port to port water carrier transportation in the noncontiguous domestic trade); 49 U.S.C. 13702 (requiring that, with certain exceptions, water carriers operating in the noncontiguous domestic trade file tariffs with the Board); and 49 U.S.C. 13701 (providing that water carrier services in the noncontiguous domestic trade are subject to rate regulation by the Board).

Section 2 of the ICC Termination Act states that: ''Except as otherwise provided in this Act, this Act shall take effect on January 1, 1996.'' Under section 335 of the ICC Termination Act, however, repeal of the 1933 Act, and of portions of the Shipping Act, 1916 (1916 Act), does not become effective until September 30, 1996. In light of these two statutory provisions, the two agencies, in a notice published at 61 FR 5835 (Feb. 14, 1996), found that there is some ambiguity as to whether, at least until September 30, 1996, water carriers operating in the noncontiguous domestic trade must file their tariffs at the Board or the Commission, and as to which agency would be responsible for rate regulation during this interim period. The Board and the Commission, therefore, sought public comment on how the two agencies could best administer their respective statutes during the transition period ending September 30, 1996, in a manner that would be most efficient and least disruptive to the industry and the shipping public.

Comments and/or replies were filed by 13 carriers, shippers, and government entities. Of the comments that were responsive to the questions raised, some took the position that Congress, by postponing the date on which the relevant provisions of the 1916 Act and the 1933 Act were repealed, must have intended a 9-month transition period. The majority of the commentors, however, expressed the view that, because section 33 of the 1916 Act (46 U.S.C. 832) foreclosed the FMC from regulating operations already subject to ICC (now Board) jurisdiction, the Board assumed exclusive jurisdiction over operations in the noncontiguous domestic trade as of January 1, 1996. Although one of those commentors (Caribbean Shippers' Association) asserted that all tariffs and agreements on file with the FMC must be canceled immediately, most concluded that the Board could, under delegation of authority principles, permit continued tariff filing at the FMC.

After reviewing the comments, we determined that we would monitor the way in which the industry adapted to the new statute before acting. We found that, although some carriers preferred filing electronically at the FMC, while others preferred to file on paper at the Board, there were no complaints from the shipping public that carriers were not filing their port to port tariffs. For that reason, and in light of the statutory ambiguity, we concluded that we could best facilitate the transition to exclusive Board jurisdiction by permitting carriers to continue filing at either agency, as they saw fit, until September 30, 1996. Therefore, since passage of the ICC Termination Act, each agency has recognized and respected the port to port tariffs filed at the other.

Beginning on October 1, 1996, jurisdiction over port to port transportation will clearly rest only with the Board. Therefore, as of that date, all tariffs for such services must be filed with the Board, rather than the FMC.[2] In light of the Congressional report language urging the Board ''to continue the FMC's practice of allowing carriers to file their tariffs electronically,''[3] the two agencies have worked together to permit the Board to receive tariffs filed through the FMC's Automated Tariff Filing and Information System (ATFI). Accordingly, carriers that have filed their port to port tariffs electronically with the FMC may continue to do so. Additionally, the Board will allow carriers to use the ATFI system to file their joint intermodal rate tariffs for noncontiguous domestic transportation electronically. Electronic filing, however, will not be mandatory; carriers may file their port to port and intermodal tariffs in printed form at the Board.[4]

Regulatory Flexibility Analysis

The Board and the Commission certify that this action will not have a significant impact on a substantial number of small entities. No new regulatory burdens are imposed, directly or indirectly, on such entities. The purpose of the decision is simply to facilitate the transition to a new regulatory regime.

Environmental and Energy Analysis

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

[1] The two agencies are handling this matter simultaneously.

[2] Similarly, all agreements filed with the FMC pursuant to section 15 of the 1916 Act will be subject to the antitrust laws as of that date.

[3] H.R. Rep. No. 422, 104th Cong., 1st Sess. 206 (1995).

[4] The Board is authorizing these filings by order issued in *Electronic Tariff Filing of Noncontiguous Domestic Trade Tariffs*, STB Special Tariff Authority No. 4, which is being served concurrently with this notice.