

equipment. Insulation resistance tests could be damaging to such components.

Section 236.553

Seal, where required. Waiver is requested exempting PTS equipment from the seal requirement in this section.

Justification: The PTS system will allow for manual disablement of on-board PTS functions and equipment both remotely from the dispatching office and through an on-board manual function. Use of the on-board cutout function will be electronically monitored and reported to the dispatcher as an alarm.

Section 236.563

Delay time. Waiver is requested exempting PTS from the delay time requirement in this section.

Justification: The PTS braking algorithm continuously computes braking distance to the next speed restriction or point where a stop is required. Information from the signal system is not used in this function.

Section 236.566

Locomotive of each train operating in train stop, train control or cab signal territory; equipped. Waiver is requested to the extent that the equipment requirements in this section shall not apply to PTS during the test period.

Justification: The PTS pilot is a test program. A small subset of locomotives operating in the test territory will be PTS-equipped; the majority of trains will not be equipped. PTS tests require flexibility in installing, removing, turning on and turning off the on-board equipment. BN and UP also require the flexibility to permanently disable or remove PTS equipment.

Section 236.567

Restrictions imposed when device fails and/or is cut out enroute. Waiver is requested exempting PTS operations from the restrictions associated with device failure or cutout.

Justification: The PTS pilot is a test program requiring flexibility in installing, removing, turning on and turning off the on-board equipment. Since PTS is a safety overlay, a failure or deactivation of PTS equipment has the effect only of suspending the safety enhancements associated with PTS, without compromising the underlying safety provisions of existing systems and operating rules. If a PTS device fails, operations will continue in a normal mode. Moreover, the dispatcher is immediately notified if PTS equipment fails or is cut out eliminating any need for a reduction in speed.

Section 236.586

Daily or after trip test. Waiver is requested exempting the PTS pilot program from the test requirements of this section. *Justification:* The PTS pilot is a test program during which requirements for a daily or after-trip test, if necessary, will be defined. PTS equipment is many times more reliable than the equipment for which this regulation was promulgated.

Section 236.587

Departure test. Waiver is requested exempting the PTS pilot program from the test requirements of this section.

Justification: The PTS pilot is itself a test program during which the requirements for a departure test will be defined. Further, it is likely the departure test will be made without human intervention.

Section 236.588

Periodic test. Waiver is requested exempting the PTS pilot program from the test requirements of this section.

Justification: The PTS pilot is itself a test program during which the requirements for periodic testing will be defined.

Section 236.703

Aspect. Clarification is requested exempting the PTS display from this definition.

Justification: PTS is not an automatic cab signal system. The PTS design excludes any visual representation of signal aspects or indications.

Section 236.805

Signal, cab. Clarification is requested exempting the PTS display from this definition.

Justification: PTS is not an automatic cab signal system. The PTS design does not include any visual representation of signal aspects or indications.

Section 240.127

Criteria for examining skill performance. Waiver is requested exempting the PTS pilot 31 program from the testing procedures in this section.

Justification: The PTS pilot is itself a test program. Criteria and procedures for PTS performance evaluation do not yet exist; they will be determined during the program.

Section 240.129

Criteria for monitoring operational performance of certified engineers. Waiver is requested exempting the PTS pilot program from the performance monitoring procedures in this section.

Justification: The PTS pilot is itself a test program. Criteria and procedures for

PTS performance evaluation do not yet exist; they will be determined during the program.

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 this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number H-95-4) 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.) in Room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on February 12, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96-3556 Filed 2-15-96; 8:45 am]

BILLING CODE 4910-06-P

National Highway Traffic Safety Administration (NHTSA)

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 30162 of Title 49 of the United States Code.

On December 27, 1995, Mr. John Chevedden of Redondo Beach, California, submitted a petition asking NHTSA to require all 1973 through 1978 Chevrolet and GMC C/K pickup trucks to be retrofitted with a low cost gas tank guard. The agency previously investigated alleged safety-related defects in the fuel tanks of these General Motors Corporation C/K pickup trucks. This investigation was among the most complex, costly, and comprehensive ever undertaken by NHTSA. On December 2, 1994, Secretary of Transportation Federico Peña announced the settlement of NHTSA's

investigation into alleged post-impact fuel-fed fires in these vehicles. Under the terms of the settlement, General Motors provided \$51,355,000 to support safety programs that will prevent thousands of deaths and injuries. In return, the agency closed the investigation.

The petition did not provide any new information that reasonably could lead to reopening the settlement agreement. The central issue is whether the petition has presented new evidence that bears on the issue of whether a safety defect exists. No new information was presented on this issue. The only "new" information presented in the petition was the suggestion of a particular repair for these vehicles. However, even in vehicles found to be defective, NHTSA has no statutory authority to require a manufacturer to provide a particular repair. See 49 U.S.C. 30120.

For these reasons, and because there is no reasonable possibility that the action requested by the petition would be undertaken, the agency denied the petition.

Authority: Section 124, Pub. L. 93-492; 88 Stat. 1470 (49 U.S.C. 30162); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 12, 1996.

Michael B. Brownlee,
Associate Administrator for Safety Assurance.

[FR Doc. 96-3606 Filed 2-15-96; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 95-90; Notice 2]

Decision That Nonconforming 1992 Lincoln Mark VII Passenger Cars are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1992 Lincoln Mark VII passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 Lincoln Mark VII passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S. certified version of the 1992 Lincoln Mark VII), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective February 16, 1996.

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) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), 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 (formerly section 114 of the Act), 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 (Registered Importer R-90-009) petitioned NHTSA to decide whether 1992 Lincoln Mark VII passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 15, 1995 (60 FR 57479) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-144 is the

vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Lincoln Mark VII not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Lincoln Mark VII originally manufactured for sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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: February 13, 1996.

Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-3561 Filed 2-15-96; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 95-89; Notice 2]

Decision That Nonconforming 1994 Mercedes-Benz SL280 Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1994 Mercedes-Benz SL280 passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1994 Mercedes-Benz SL280 passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1994 Mercedes-Benz SL320), and they are capable of being readily altered to conform to the standards.

DATES: The decision is effective February 16, 1996.

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) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor