

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4072]

## Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

**ACTION:** Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

**SUMMARY:** This notice announces decisions by NHTSA that certain motor vehicles 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 vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

**DATES:** These decisions are effective as of July 20, 1998.

**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**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

## 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. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

## Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, 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: July 15, 1998.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

## Annex A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. NHTSA-98-3627  
Nonconforming Vehicle: 1990-1993 Mercedes-Benz 250E and 1994-1995 E250  
Substantially similar U.S.-certified vehicle: 1990-1993 Mercedes-Benz 300E and 1994-1995 E300  
Notice of Petition published at: 63 FR 13911 (March 23, 1998)  
Vehicle Eligibility Number: VSP-245
2. Docket No. NHTSA-98-3628  
Nonconforming Vehicles: 1994 Mercedes-Benz C220

- Substantially similar U.S.-certified vehicles: 1994 Mercedes-Benz C220  
Notice of Petition published at: 63 FR 13910 (March 23, 1998)  
Vehicle Eligibility Number: VSP-246
3. Docket No. NHTSA-98-3630  
Nonconforming Vehicles: 1993-1998 Kawasaki ZZR1100  
Substantially similar U.S.-certified vehicles: 1993-1998 Kawasaki ZX1100  
Notice of Petition published at: 63 FR 13909 (March 23, 1998)  
Vehicle Eligibility Number: VSP-247
4. Docket No. NHTSA-98-3658  
Nonconforming Vehicles: 1995 Bentley Turbo R  
Substantially similar U.S.-certified vehicles: 1995 Bentley Turbo R  
Notice of Petition published at: 63 FR 15480 (March 31, 1998)  
Vehicle Eligibility Number: VSP-243
5. Docket No. NHTSA-98-3660  
Nonconforming Vehicles: 1992-1996 Ducati 600SS  
Substantially similar U.S.-certified vehicles: 1992-1996 Ducati 750SS  
Notice of Petition published at: 63 FR 15480 (March 31, 1998)  
Vehicle Eligibility Number: VSP-241
6. Docket No. NHTSA-98-3661  
Nonconforming Vehicles: 1994-1998 Mercedes-Benz E320  
Substantially similar U.S.-certified vehicles: 1994-1998 Mercedes-Benz E320  
Notice of Petition published at: 63 FR 15482 (March 31, 1998)  
Vehicle Eligibility Number: VSP-240
7. Docket No. NHTSA-98-3674  
Nonconforming Vehicles: 1995-1997 BMW 5 Series  
Substantially similar U.S.-certified vehicles: 1995-1997 BMW 5 Series  
Notice of Petition published at: 63 FR 17041 (April 7, 1998)  
Vehicle Eligibility Number: VSP-249
8. Docket No. NHTSA-98-3678  
Nonconforming Vehicles: 1995-1997 BMW 3 Series  
Substantially similar U.S.-certified vehicles: 1995-1997 BMW 3 Series  
Notice of Petition published at: 63 FR 17042 (April 7, 1998)  
Vehicle Eligibility Number: VSP-248
9. Docket No. NHTSA-98-3708  
Nonconforming Vehicles: 1998 Harley Davidson FX, FL, and XL  
Substantially similar U.S.-certified vehicles: 1998 Harley Davidson FX, FL, and XL  
Notice of Petition published at: 63 FR 18250 (April 14, 1998)  
Vehicle Eligibility Number: VSP-253
10. Docket No. NHTSA-98-3709  
Nonconforming Vehicles: 1995 Jeep Wrangler manufactured for Middle Eastern and other foreign markets  
Substantially similar U.S.-certified

- vehicles: 1995 Jeep Wrangler  
Notice of Petition published at: 63 FR 18249 (April 14, 1998)  
Vehicle Eligibility Number: VSP-255
11. Docket No. NHTSA-98-3710  
Nonconforming Vehicles: 1993 Jeep Cherokee manufactured for Middle Eastern and other foreign markets  
Substantially similar U.S.-certified vehicles: 1995 Jeep Cherokee  
Notice of Petition published at: 63 FR 18248 (April 14, 1998)  
Vehicle Eligibility Number: VSP-254
12. Docket No. NHTSA-98-3715  
Nonconforming Vehicles: 1981-1988 Toyota Landcruiser  
Substantially similar U.S.-certified vehicles: 1981-1988 Toyota Landcruiser  
Notice of Petition published at: 63 FR 18489 (April 15, 1998)  
Vehicle Eligibility Number: VSP-252
13. Docket No. NHTSA-98-3716  
Nonconforming Vehicles: 1995-1998 Ford Windstar  
Substantially similar U.S.-certified vehicles: 1995-1998 Ford Windstar  
Notice of Petition published at: 63 FR 18491 (April 15, 1998)  
Vehicle Eligibility Number: VSP-250
14. Docket No. NHTSA-98-3717  
Nonconforming Vehicles: 1990 Volkswagen Transporter  
Substantially similar U.S.-certified vehicles: 1990 Volkswagen Vanagon  
Notice of Petition published at: 63 FR 18490 (April 15, 1998)  
Vehicle Eligibility Number: VSP-251
15. Docket No. NHTSA-98-3806  
Nonconforming Vehicles: 1995 Ferrari 456  
Substantially similar U.S.-certified vehicles: 1995 Ferrari 456  
Notice of Petition published at: 63 FR 25895 (May 11, 1998)  
Vehicle Eligibility Number: VSP-256
16. Docket No. NHTSA-98-3809  
Nonconforming Vehicles: 1997-1998 Mercedes-Benz SLK  
Substantially similar U.S.-certified vehicles: 1997-1998 Mercedes-Benz SLK  
Notice of Petition published at: 63 FR 27117 (May 15, 1998)  
Vehicle Eligibility Number: VSP-257
17. Docket No. NHTSA-98-3811  
Nonconforming Vehicles: 1990-1993 Bentley Continental R  
Substantially similar U.S.-certified vehicles: 1990-1993 Bentley Continental R  
Notice of Petition published at: 63 FR 27116 (May 16, 1998)  
Vehicle Eligibility Number: VSP-258
18. Docket No. NHTSA-98-3822  
Nonconforming Vehicles: 1996-1998 BMW Z3  
Substantially similar U.S.-certified vehicles: 1996-1998 BMW Z3

- Notice of Petition published at: 63 FR 27343 (May 18, 1998)  
Vehicle Eligibility Number: VSP-260
19. Docket No. NHTSA-98-3823  
Nonconforming Vehicles: 1995 Ferrari F355  
Substantially similar U.S.-certified vehicles: 1995 Ferrari F355  
Notice of Petition published at: 63 FR 27344 (May 18, 1998)  
Vehicle Eligibility Number: VSP-259
20. Docket No. NHTSA-98-3851  
Nonconforming Vehicles: 1995 Mercedes-Benz C280  
Substantially similar U.S.-certified vehicles: 1995 Mercedes-Benz C280  
Notice of Petition published at: 63 FR 27616 (May 19, 1998)  
Vehicle Eligibility Number: VSP-262
21. Docket No. NHTSA-98-3852  
Nonconforming Vehicles: 1997 Porsche Boxster  
Substantially similar U.S.-certified vehicles: 1997 Porsche Boxster  
Notice of Petition published at: 63 FR 27617 (May 19, 1998)  
Vehicle Eligibility Number: VSP-261

[FR Doc. 98-19251 Filed 7-17-98; 8:45 am]  
BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 558 (Sub-No. 1)]

#### Railroad Cost of Capital—1997

AGENCY: Surface Transportation Board.  
ACTION: Notice of decision.

**SUMMARY:** On July 20, 1998, the Board served a decision to update its estimate of the railroad industry's cost of capital for 1997. The composite cost of capital rate for 1997 is found to be 11.8%, based on a current cost of debt of 7.2%; a cost of common equity capital of 13.8%; a cost of preferred equity capital of 6.1%; and a 29.67% debt, 70.28% common equity, 0.05% preferred equity capital structure mix. The cost of capital finding made in this proceeding will be used in a variety of Board proceedings.

**EFFECTIVE DATE:** This action is effective July 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565-1529. [TDD for the hearing impaired: (202) 565-1695.]

**SUPPLEMENTARY INFORMATION:** The cost of capital finding in this decision shall be used to evaluate the adequacy of railroad revenues for 1997 under the standards and procedures promulgated in *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986). This finding may also be used in other Board

proceedings involving, for example, the prescription of maximum reasonable rate levels and proposed abandonments of rail lines. Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Room 210, 1925 K Street, N.W., Washington, DC 20423. Telephone: (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.] The decision is also available on the Board's internet site at [www.stb.dot.gov](http://www.stb.dot.gov).

### Environmental and Energy Considerations

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

### Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of this action are to update the annual railroad industry cost of capital finding by the Board. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

**Authority:** 49 U.S.C. 10704(a).

Decided: July 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

**Vernon A. Williams,**

Secretary.

[FR Doc. 98-19286 Filed 7-17-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-547X]

#### Roaring Fork Railroad Holding Authority—Abandonment Exemption—in Garfield, Eagle and Pitkin Counties, CO

On June 30, 1998, Roaring Fork Railroad Holding Authority (RFRHA) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-10905<sup>1</sup> to abandon its line of railroad known as the Aspen Branch, extending from milepost 360.22 near Glenwood Springs

<sup>1</sup> RFRHA seeks exemptions from the offer of financial assistance (OFA) provisions of 49 U.S.C. 10904 and the public use provisions of 49 U.S.C. 10905. These exemption requests will be addressed in the final decision.