

requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on September 18, 1995, and an opportunity afforded for comment (60 FR 48195). This notice grants the application.

Paragraph S4.1.4 of FMVSS No. 208 requires that vehicles manufactured on or after September 1, 1989, be equipped with a restraint system at each front outboard designated seating position that meets the standard's frontal crash protection requirements by means that require no action by vehicle occupants. This type of system is referred to as an automatic restraint system.

The agency granted an exemption for Cantab to manufacture vehicles without automatic restraints between May 16, 1990 and May 1, 1993. Cantab imported and manufactured nine vehicles without automatic restraint systems during this time period. However, after the exemption had expired, Cantab imported and manufactured nine more vehicles without automatic restraint systems. Of these nine vehicles, seven entered the U.S. during 1994 and two in 1995. These vehicles all meet the requirements of Standard No. 208 prior to the implementation of automatic restraint requirements. Cantab subsequently applied for and was granted a new exemption from the automatic restraint requirements for this type of vehicle (60 FR 47422).

Cantab supported its application for inconsequential noncompliance with the following.

[Cantab] submits that, during the entire time period subsequent to its initial grant of exemption in May of 1990, it has imported and manufactured a total of eighteen cars. Nine of these were imported during the period of exemption, nine subsequent to its lapsing and prior to [Cantab's] submission of a second application for exemption. Each of these eighteen cars was identically constructed to meet all applicable FMVSS, including those of FMVSS 208 prior to implementation of the automatic restraint requirements. During this time, [Cantab] has made substantial progress in the development of a dual air bag system and expects to have it installed and operative within a year.

[Cantab] has previously suggested to NHTSA in its [May 10, 1995] petition for exemption, the unusual nature of its vehicles—cars driven by enthusiasts for pleasure, rather than daily for business commuting or on long trips, by people who own two or more other passenger cars for such purposes.

[Cantab] respectfully suggests that its nine noncomplying cars, representing a minuscule proportion of the total number of motor vehicles sold and operated in the U.S. during

the period of 1994–1995, operated as noted above, constructed with well-proven safety systems, would not materially affect overall motor vehicle safety, and that their operation would be in the public interest and would be consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

No comments were received on the application.

As noted, the agency has granted Cantab's application for temporary exemption, on grounds that immediate compliance would cause it substantial economic hardship. An additional finding was that the exemption would be consistent with the public interest and motor vehicle safety. This finding was reached in part on the limited number of vehicles that will be covered by the exemption during its life. Given the fact that there are far fewer vehicles covered by the application under consideration, and that the noncompliance apparently cannot be remedied by repair, the agency wishes to reach a decision that is consistent with that reached in granting the application for temporary exemption. Given the fact that there are nine vehicles involved here, and that they comply with the requirements of FMVSS No. 208 that were once in effect, Cantab's noncompliance may be deemed inconsequential to safety.

In consideration of the foregoing, it is hereby found that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 5, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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Research and Special Programs Administration

[Notice No. 96–5]

Hazardous Materials Transportation; Registration and Fee Assessment Program

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of filing requirements.

SUMMARY: The Hazardous Materials Registration Program will enter

registration year 1996–97 on July 1, 1996. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation. Persons who registered for the 1995–96 registration year will be mailed a registration statement form and informational brochure in April.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis (202–366–4109), Hazardous Materials Safety, 400 Seventh Street S.W., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: This notice is intended to notify persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. Each person, as defined by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*), who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a fee. The regulations implementing this program are in Title 49, Code of Federal Regulations, Sections 107.601–107.620.

Proceeds from the fee are used to fund grants to State, local, and Indian tribal governments for emergency response training and planning. Grants were awarded to all states, two territories, and 12 Native American tribes during FY 1995. By law, 75 percent of the Federal grant monies awarded to the States is further distributed to local emergency response and planning agencies. The FY 1994 funds helped to provide (1) training for 126,000 emergency response personnel, (2) approximately 300 commodity flow studies and hazard analyses, (3) 1,200 emergency response plans updated or written for the first time, (4) assistance to 2,200 local emergency planning committees, and (5) 850 emergency exercises.

The persons affected by these regulations are those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;

B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (that is, a "material

poisonous by inhalation" that meets the criteria for "hazard zone A");

D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or

E. A shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The 1995-96 registration year ends on June 30, 1996. The 1996-97 registration year will begin on July 1, 1996, and end on June 30, 1997. Any person who engages in any of the specified activities during the 1996-97 registration year must file a registration statement and pay the associated fee of \$300.00 before July 1, 1996, or before engaging in any of the activities, whichever is later. All persons who registered for the 1995-96 registration year will be mailed a registration statement form and an informational brochure in April 1996. Other persons wishing to obtain the form and any other information relating to this program should contact the program number given above.

The registration statement has not been revised for the 1996-97 registration year. In a final rule published under Docket HM-208B (May 23, 1995; 60 FR 27231) two minor changes in the registration requirements were made, effective beginning with the 1996-97 registration year: (1) foreign offerors are permanently excepted from the registration requirement if the country in which they are domiciled does not impose registration or a fee upon U.S. companies for offering hazardous materials into that country, and (2) the definition of "materials extremely toxic by inhalation" has been expanded to include all materials poisonous by inhalation that meet the criteria for hazard zone A.

Registrants should file a registration statement and pay the associated fee well before July 1, 1996, in order to ensure that a 1996-97 certificate of registration has been obtained by that date to comply with the recordkeeping requirements. These include the requirement that the registration number be made available on board each truck and truck tractor (not including trailers and semi-trailers) and each vessel used to transport hazardous materials subject to the registration requirements. A certificate of registration is generally mailed within three weeks of RSPA's receipt of a registration statement.

Persons who engage in any of the specified activities during a registration year are required to register for that year. Persons who engaged in these activities during registration year 1992-93 (September 16, 1992, through June 30, 1993), 1993-94 (July 1, 1993, through June 30, 1994), 1994-95 (July 1, 1994, through June 30, 1995), or 1995-96 (July 1, 1995, through June 30, 1996) and have not filed a registration statement and paid the associated fee of \$300.00 for each year for which registration is required should contact RSPA to obtain the required form (DOT F 5800.2). A copy of the form that will be distributed for the 1996-97 registration year may be used to register for previous years. Persons who fail to register for any registration year in which they engaged in such activities are subject to civil penalties for each day a covered activity is performed. The legal obligation to register for a year in which any specified activity was conducted does not end with the registration year. Registration after the completion of a registration year may also involve the imposition of a late fee and interest in addition to a civil penalty.

During the 1994-95 and 1995-96 registration years, RSPA participated with the Public Utilities Commission of Ohio (PUCO) in a pilot test of an alternate procedure for filing the Federal registration statement for motor carriers who were also subject to the State of Ohio's registration program through the PUCO. That test has been completed and will not be continued during the 1995-96 registration year while the results are evaluated. All persons required to register with RSPA should do so by submitting the registration statement with payment directly to the U.S. Department of Transportation, Hazardous Materials Registration, P.O. Box 740188, Atlanta, Georgia 30374-0188.

Issued in Washington, DC on March 5, 1996.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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Surface Transportation Board¹

[Finance Docket No. 32864]

Dakota, Minnesota & Eastern Railroad Corporation—Acquisition and Operation—Colony Segment of the Union Pacific Railroad Company, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of filing of application and request for comments.

SUMMARY: Pursuant to 49 U.S.C. 10902 and section 327 of Public Law No. 104-88, the Dakota, Minnesota & Eastern Railroad Company (DME) has filed an application to acquire and operate an approximately 203-mile rail line currently owned by Union Pacific Railroad Company, Inc. (UP) located in Wyoming, South Dakota, and Nebraska, commonly referred to as the Colony Line. The Colony Line runs in a north-south direction from Colony, WY, to Crawford, NE, the majority of which is located in South Dakota. The Board invites comments on this application by interested parties.

DATES: Written comments must be filed with the Board no later than March 18, 1996.

ADDRESSES: An original and 10 copies of all comments must refer to STB Finance Docket No. 32864 and must be sent to: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, one copy of all documents must be sent to applicant's representative: Kevin V. Schieffer, Schieffer, Cutler & Donahoe, P.C., Suite 300, Falls Center, 431 North Phillips Avenue, Sioux Falls, SD 57102.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: In the application, filed February 22, 1996, DME claims that there will be no material adverse impact on competition from this transaction since DME is merely replacing UP as the originating carrier on the Colony Line. Also, because DME is merely taking over an existing operation with no impact on environmental resources, the applicant is exempt from environmental reporting requirements pursuant to 49 CFR 1105.6(c)(2).

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10902.