Date Filed: 6/18/97
Parties: Members of the International Air Transport Association
Subject:
PTC31 S/CIRC 0021 dated June 6, 1997
South Pacific Resolutions r1–29
Corrections—PTC31 S/CIRC 0023 dated June 10, 1997, PTC31 S/CIRC 0024 dated June 13, 1997
Minutes—PTC31 S/CIRC 0025 dated June 17, 1997
Tables-PTC31 S/CIRC Fares 0008 dated, June 13, 1997
Intended effective date: October 1, 1997

Docket Number: OST–97–2642
Date Filed: 6/20/97
Parties: Members of the International Air Transport Association
Subject:
COMP Mail Vote 876
Special Amending Reso EC Member States
r–1–010cc r–2–002 r–3–002ww
Intended effective date: July 1, 1997

Paulette V. Twine,
Chief, Documentary Services.
[FR Doc. 97–17213 Filed 6–30–97; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Notice of Application for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 20, 1997

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–97–2626.
Date Filed: June 17, 1997.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 15, 1997.
Description: Application of United Parcel Service Co., pursuant to 49 U.S.C. 41102 and subpart Q of the regulations, requests an amendment to its certificate of public convenience and necessity for Route 569 authorizing it to engage in scheduled foreign air transportation of cargo (property and mail) between the United States and Mexico so as to add the following new segment: Between the terminal point Houston, Texas, and the terminal points Guadalajara, Mexico: and Between the terminal point San Antonio, Texas, and the terminal point Mexico City, Mexico.

Docket Number: OST–97–2628.
Date Filed: June 18, 1997.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 16, 1997.
Description: Joint Application of Air UK (Leisure) Limited and Leisure International Airways Limited, pursuant to 49 U.S.C. 41303 and subpart Q of the regulations, request the transfer of Old Leisure's foreign air carrier permit to New Leisure authorizing it to engage in the charter foreign air transportation of persons and property between a point or points in the United Kingdom and a point or points in the United States.

Docket Number: OST–97–2634.
Date Filed: June 18, 1997.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 16, 1997.
Description: Application of Icelandair (Flugleidir Hf.), pursuant to 49 U.S.C. 41302 and subpart Q of the regulations, requests the Department to amend its foreign air carrier permit to authorize the carrier to engage in scheduled foreign air transportation of persons, property and mail from points behind Iceland, via Iceland and intermediate points, to a point or points in the United States and beyond; to engage in charter air transportation between any point or points in Iceland and any point or points in the United States; to engage in charter air transportation between any point or points in the United States and any point or points in a third country or countries as part of a continuous operation that includes service to Iceland; and to engage in other charter air transportation in accordance with the Departments' regulations contained in 14 CFR part 212.

Paulette V. Twine,
Chief, Documentary Services.
[FR Doc. 97–17214 Filed 6–30–97; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Petition for Rulemaking

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30142 and 49 CFR part 552 to initiate rulemaking to amend the Federal Bumper Standard at 49 CFR part 581.

The Coalition of Small Volume Automobile Manufacturers, Inc. (COSVAM), which describes itself as a non-profit association comprised of small volume motor vehicle manufacturers (producing less than 5,000 vehicles per year), petitioned NHTSA to amend the Federal Bumper Standard. The amendment sought by COSVAM would provide an exemption from the standard's requirements if compliance with those requirements would cause a manufacturer substantial economic hardship.

As conceived by COSVAM, the exemption would only be available to manufacturers who did not manufacture in, and/or import into, the United States in the previous calendar year more than 10,000 vehicles. COSVAM contended that NHTSA's requirements impose a proportionately greater burden on small volume manufacturers due to their limited resources and low production. Additionally, COSVAM contended that small volume manufacturers have more limited access to technology than their larger counterparts, and must sustain enormous costs for research and development and other expenses allocated on a ''per vehicle'' basis, given the small number of vehicles over which these costs must be spread.

COSVAM noted that 49 U.S.C. 30113 authorizes NHTSA to exempt motor vehicles from compliance with a Federal motor vehicle safety standard based, in part, on a finding that ''compliance with the standard would cause substantial economic hardship to a manufacturer * * *.'' 49 U.S.C. 30113(b)(3)(B)(i). The organization noted that comparable language is not found in 49 U.S.C. 32502, the statute that mandated the issuance of the Federal Bumper Standard. That section instead provides that an exemption from the standard may be granted, for good cause, to ''(1) a multipurpose passenger vehicle; or (2) a make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle.'' 49 U.S.C. 32502(c) (1) and (2).

COSVAM contended that the vehicles produced by its members are manufactured for a special use, specifically for ''unusual, collector niche, or special purposes.'' The organization described these vehicles as typically being used as ''week-end cars,'' as opposed to being given everyday use. COSVAM further

contended that ''compliance with the bumper standard interferes unreasonably with such 'special use' when compliance causes 'substantial economic hardship' to the (small volume manufacturer).'' Elaborating on this concept, the organization observed that ''(i)f the (small volume manufacturer) produces no vehicles (or fewer vehicles) because of the burdens of the standard, and thus incurs substantial economic hardship, the 'special usage' of the vehicles by the vehicles' owners is diminished or 'unreasonably interfered with.'''

COSVAM's final contention was that adoption of an exemption from the bumper standard will be a ''significant step towards international harmonization from the perspective of the (small volume manufacturer).''

After a full and careful analysis of COSVAM's petition and its supporting rationale, NHTSA has decided to deny the petition. The agency notes that 49 U.S.C. 32502, the statute under which the bumper standard was issued, provides no basis for exempting vehicles on the grounds of economic hardship. Even if such a basis did exist, the agency notes that COSVAM did not provide any financial information demonstrating how compliance with the bumper standard causes substantial economic hardship to small volume manufacturers.

More significantly, COSVAM did not demonstrate that vehicles produced by small volume manufacturers are manufactured for a special use. The agency believes that an exotic car licensed and used on public roads cannot be considered a ''special use'' vehicle. Absent the showing of such a special use, and that compliance with the bumper standard would unreasonably interfere with that special use, there is no basis for exempting a vehicle from the standard under 49 U.S.C. 32502(c)(2).

NHTSA can only exempt a manufacturer from a bumper standard for reasons specified in section 32502(c). There is no implied authority for the agency to grant exemptions in situations not covered by that section. Courts have strictly construed the statutes administered by NHTSA in determining the scope of the agency's exemption granting authority. See, e.g., *Nader* v. *Volpe*, 475 F. 2d 916 (D.C. Cir., 1973), holding that the agency's authority to grant temporary exemptions from the Federal motor vehicle safety standards is limited to the explicit wording of the statute authorizing such exemptions, now codified at 49 U.S.C. 30113.

Finally, NHTSA does not believe that adoption of the requested exemption from the bumper standard will further the goals of international harmonization. Those goals are directed, in part, at reducing non-tariff barriers to trade, such as those that result from differences in test standards that apply to vehicles sold in various markets. Compliance with the bumper standard does not impose such an impediment to trade because it would not restrict the entry of a compliant vehicle into other markets.

For the reasons discussed above, NHTSA has concluded that it has no authority to amend 49 CFR part 581 to exempt small volume manufacturers from the bumper standard, as requested in COSVAM's petition.

Accordingly, that petition is denied.

Issued on June 25, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–17106 Filed 6–30–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Fourth Quarterly Performance Review Meeting on the Contract ''Detection of Mechanical Damage in Pipelines'' (Contract DTRS–56–96–C–0010)

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

ACTION: Notice of meeting.

SUMMARY: RSPA invites the pipeline industry, in-line inspection (''smart pig'') vendors, and the general public to the fourth quarterly performance review meeting of progress on the contract ''Detection of Mechanical Damage in Pipelines.'' The meeting is open to anyone, and no registration is required. This contract is being performed by Battelle Memorial Institute (Battelle), along with the Southwest Research Institute, and Iowa State University. The contract is a research and development contract to develop electromagnetic in-line inspection technologies to detect and characterize mechanical damage and stress corrosion cracking. There will be a presentation on the status of the contract tasks, including a summary of the activity and progress during the past quarter and the projected activity for the next quarter.

DATES: The fourth quarterly performance review meeting will be held on July 24, 1997, beginning at 1:00 p.m. and ending around 5:00 p.m.

ADDRESSES: The quarterly review meeting will be held at the Adam's Mark Columbus Hotel, 50 Third Street, Columbus, Ohio 43215. The hotel's telephone number is (614) 228–5050.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Ulrich, Contracting Officer's Technical Representative, Office of Pipeline Safety, telephone: (202) 366–4556, FAX: (202) 366–4566, e-mail: lloyd.ulrich@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

RSPA is conducting quarterly public meetings on the status of its contract ''Detection of Mechanical Damage in Pipelines'' (Contract DTRS–56–96–C–0010) because in-line inspection research is of immediate interest to the pipeline industry and in-line inspection vendors. RSPA will continue this practice throughout the contract, which may be up to three years. The meetings will allow disclosure of the results to all interested parties and will provide an opportunity for interested parties to ask Battelle questions concerning the research.

The first meeting was conducted on October 22, 1996, in Washington, DC. The second quarterly review meeting was held on January 14, 1997 in Houston, Texas, in parallel with a meeting of the Gas Research Institute's (GRI) Nondestructive Evaluation Technical Advisory Group to enable significant participation by pipeline operators and inspection vendors. The third quarterly review meeting was held in Washington on May 5, 1997 in advance of the May 6–7, 1997, meetings of RSPA's two technical advisory committees, the Technical Pipeline Safety Standards Committee for gas pipelines and the Technical Hazardous Liquid Pipeline Safety Standards Committee for hazardous liquid pipelines. This, the fourth meeting is being held in Columbus at the end of another meeting of the Gas Research Institute's (GRI) Nondestructive Evaluation Technical Advisory Group.

The research contract with Battelle is a cooperative effort between GRI and DOT, with GRI providing technical guidance.[1] It is anticipated that every other meeting will be conducted in Washington, DC. Future meetings may be conducted in San Antonio, Texas (Southwest Research Institute); Ames, Iowa (Iowa State University); or Chicago, Illinois (Gas Research Institute). Each of the future meetings

[1] See the notice of the first quarterly performance review meeting (61 FR 53484; Oct. 11, 1996) for information on the Memorandum of Understanding between DOT and GRI.