

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-370 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 1999, 2000, and 2001 Mercedes Benz CL500 and CL600 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to MY 1999, 2000, and 2001 Mercedes Benz CL500 and CL600 passenger cars originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and are 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: January 22, 2002.

Harry Thompson,

Acting Director, Office of Vehicle Safety, Compliance.

[FR Doc. 02-1861 Filed 1-24-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-2002-11270, Notice No. 02-01]

Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

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

ACTION: Safety advisory notice.

SUMMARY: This is to notify the public that RSPA and the Department of Transportation's Office of Inspector General (OIG) are investigating the unauthorized marking of high-pressure compressed gas cylinders by Bev Con International (Bev Con), 6400 and 6420 Highway 51 South, Brighton, Tennessee. Bev Con is also known as or has done business as Bev-con, BCI Inc., BCI Industries and BCI Industries, Inc. All companies are located at the Brighton, Tennessee address listed above. RSPA and the OIG have determined that Bev

Con marked and certified an undetermined number of cylinders with invalid Retester Identification Numbers (RINs), apparently without conducting hydrostatic retests of the cylinders in accordance with the Hazardous Materials Regulations (HMR). The cylinders at issue are mostly used in the beverage service industry.

On December 13, 2001, a Federal Grand Jury in Tennessee handed down a 31-count indictment against Bev Con and two of its principals. The indictment includes charges for the unauthorized cylinder marking described in this safety advisory.

A hydrostatic retest and visual inspection, conducted as prescribed in the HMR, are used to verify the structural integrity of a cylinder. If the hydrostatic retest and visual inspection are not performed in accordance with the HMR, a cylinder with compromised structural integrity may be returned to service when it should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder. Cylinders that have not been retested in accordance with the HMR may not be charged or filled with compressed gas or other hazardous material.

FOR FURTHER INFORMATION CONTACT:

Cheryl K. Johnson, Senior Inspector, Southern Region, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 1701 Columbia Avenue, Suite 520, College Park, GA 30337. Telephone: (404) 305-6120, Fax: (404) 305-6125.

SUPPLEMENTARY INFORMATION: Through an investigation of Bev Con, RSPA and the OIG have determined that Bev Con marked and certified an undetermined number of cylinders with two expired RINs. In addition, it does not appear that Bev Con conducted proper hydrostatic testing of the cylinders, as required by the HMR. The HMR requires that a cylinder retester obtain a RIN from RSPA. Bev Con has never been issued a RIN by RSPA, and any cylinders marked by Bev Con as having been tested in accordance with the HMR are unauthorized for use in hazardous materials service until properly retested by a DOT-authorized retester.

The cylinders in question are stamped with one of the following two RINs: C173 or C137. The markings appear in the following pattern:

(1)

C1
M Y
73

(2)

C1
M Y
73

M is the month of retest (e.g., 10), and Y is the year of the retest (e.g., 01).

RIN C173 was issued to Cee Kay Supply, 4241 Folsum Avenue, St. Louis, Missouri, on October 28, 1987. Cee Kay Supply was granted renewal of that RIN on August 27, 1992. Authorization for RIN C173 expired on August 27, 1997, and any use of that RIN to mark DOT specification or exemption cylinders after that date is unauthorized.

RIN C137 was issued to Koch Carbonic Corporation, 433 Raymond Boulevard, Newark, New Jersey, on July 8, 1987. Koch Carbonic Corporation last renewed the RIN on October 8, 1992. Authorization for RIN C137 expired on October 8, 1997, and any use of that RIN to mark DOT specification or exemption cylinders after that date is unauthorized.

Anyone who has a cylinder that has been serviced by or purchased from Bev Con and that is marked with RIN C173 and stamped with a retest date after August 1997, or that is marked with RIN C137 and stamped with a retest date after October 1997, should consider the cylinder unsafe and not fill it with a hazardous material unless the cylinder is first properly retested by a DOT-authorized retest facility. Cylinders described in this safety advisory that are filled with an atmospheric gas should be vented or otherwise safely discharged and then taken to a DOT-authorized cylinder retest facility for proper retest to determine compliance with the HMR and their suitability for continuing service. Cylinders described in this safety advisory that are filled with a material other than an atmospheric gas should not be vented, but instead should be safely discharged, and then taken to a DOT-authorized cylinder retest facility for proper retest to determine compliance with the HMR and their suitability for continuing service. Under no circumstance should a cylinder described in this safety advisory be filled, refilled or used for its intended purpose until it is reinspected and retested by a DOT-authorized retest facility.

It is further recommended that persons finding or possessing a cylinder described in this safety advisory or with questions concerning other cylinders sold or serviced by Bev Con contact Ms. Johnson for additional information.

Issued in Washington, DC, on January 22, 2002.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 02-1863 Filed 1-24-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-391 (Sub-No. 9X)]

Red River Valley & Western Railroad Company—Abandonment Exemption— in LaMoure and Barnes Counties, ND

Red River Valley & Western Railroad Company (RRVW) has filed a notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments* to abandon approximately 32.9 miles of rail line from approximately milepost 27.4 in or near Lucca, ND, to the end of the line at approximately milepost 60.3 in or near Marion, ND, in LaMoure and Barnes Counties, ND. The line traverses United States Postal Service Zip Codes 58049, 58466 and 58461.

RRVW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 26, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve

environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 4, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 14, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Troy W. Garris, Weiner Brodsky Sidman Kider PC, 1300 19th Street NW, 5th Floor, Washington, DC 20036-1609.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. SEA will issue an environmental assessment (EA) by February 1, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), RRVW shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by RRVW's filing of a notice of consummation by January 25, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 16, 2002.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,000. See 49 CFR 1002.2(f)(25).

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-1635 Filed 1-24-02; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS-262-82]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-262-82 (TD 8600), Definition of an S Corporation. (§ 1.136-1).

DATES: Written comments should be received on or before March 26, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to George Freeland, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Definition of an S Corporation.

OMB Number: 1545-0731.

Regulation Project Number: PS-262-82.

Abstract: This regulation provides the procedures and the statements to be filed by certain individuals for making the election under Internal Revenue Code section 1361(d)(2), the refusal to consent to that election, or the revocation of that election. The statements required to be filed are used to verify that taxpayers are complying with requirements imposed by Congress under subchapter S.

Current Actions: There is no change to this existing regulation.