

valves for Unit 1 is contained in a Safety Evaluation dated August 7, 1990. The staff's detailed evaluation of the water-filled penetration issue is provided in a Safety Evaluation dated November 21, 1988.

Therefore, on the basis of the licensee's corrective actions to reduce the "as found" containment leakage, the staff concludes that a return to the normal Type A test schedule of section III.D. of appendix J to 10 CFR part 50 is justified.

By letter dated April 5, 1990, the licensee also submitted information to identify the special circumstances for granting this exemption for Surry Unit 1 pursuant to 10 CFR 50.12. The licensee stated that the purpose of Type A testing is to measure and ensure that the leakage through the primary reactor containment does not exceed the maximum allowable leakage. It also provides assurance that periodic surveillance, maintenance and repairs are made to systems or components penetrating the containment. The licensee has replaced the valves which were a continuing source of containment leakage. The licensee also stated that it has met the intent of the regulations in establishing containment integrity, and maintaining that integrity over the operating cycle. Therefore, the licensee believes that this exemption should be granted pursuant to 10 CFR 50.12(a)(2)(ii) and (v), in that application of the regulation in this particular instance is not necessary to achieve the underlying purpose of the rule, which is to measure and ensure that leakage through the primary containment does not exceed the allowable leakage rate at any time during the operating cycle; and, that the exemption would provide only temporary relief from the applicable requirement and the licensee has made a good faith effort to comply with the regulation. This one-time exemption will enable Surry Unit 1 to resume the retest schedule specified in section III.D. of 10 CFR part 50, appendix J and therefore, prevent unnecessary pressurization of the containment to design basis pressure. The staff agrees that the source of leakage which caused the prior failures has been corrected and an additional Type A test at this time is not required to achieve the underlying purpose of the rule.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission has further

determined that special circumstances, as set forth in 10 CFR 50.12(a)(2)(ii) and (v) are present, justifying the exemption; namely that application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule and the exemption is for a one-time relief only. Accordingly, the Commission hereby grants an exemption to section III.A.6(b) of appendix J to 10 CFR part 50 to allow the licensee to resume the Type A retest schedule of section III.D. of appendix J for Surry Unit 1. This exemption does not apply if the next test is deemed a failure by the NRC acceptance criteria. Such a failure would constitute to consecutive failures and section III.A.6(b) would again apply.

Pursuant to 10 CFR 51.32, the staff has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (55 FR 31911, August 6, 1990.).

A copy of the licensee's request for exemption dated April 5, 1990 is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of Aug. 1990.

For the Nuclear Regulatory Commission.
Gus C. Lainas,
Acting Director, Division of Reactor
Projects—I/II, Office of Nuclear Reactor
Regulation.

[FR Doc. 90-18765 Filed 8-10-90; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended August 3, 1990

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47106

Date filed: August 2, 1990

Parties: Members of the International
Air Transport Association

Subject: TC2 Resolutions R-1 to R-14

Proposed Effective Date: October 1,
1990.

Phyllis T. Kaylor,

Chief, Division of Documentary Services.

[FR Doc. 90-18951 Filed 8-10-90; 8:45 am]

BILLING CODE 4910-62-M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During Week Ended August 3, 1990

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 application, or motion 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: 47102

Date filed: August 1, 1990

*Due Date for Answers, Conforming
Applications, or Motion to Modify
Scope:* August 29, 1990

Description: Application of General Air
Cargo, G.A.C., C.A., pursuant to
Section 402 of the Act and subpart Q
of the Regulations, requests a foreign
air carrier permit to engage in Non-
Scheduled foreign air transportation
of property from a point or points in
Venezuela, on the one hand, to Miami,
Florida, on the other.

Docket Number: 47109

Date filed: August 3, 1990

*Due Date for Answers, Conforming
Applications, or Motion to Modify
Scope:* August 31, 1990

Description: Application of Caraven,
S.A., pursuant to Section 402 of the
Act and subpart Q of the Regulations
applies for issuance of a foreign air
carrier permit authorizing it to
perform non-scheduled and charter
all-cargo service between points in
Venezuela and points in the United
States.

Docket Number: 42997

Date filed: September 25, 1986

*Due Date for Answers, Conforming
Applications, or Motion to Modify
Scope:* August 17, 1990

Description: Amendment No. 1 to the
application of Florida West Gateway,
Inc. d/b/a Florida West Airlines, Inc.,
pursuant to section 401 of the Act and
subpart Q of the Regulations to
request authority to serve the
following additional countries;
Paraguay, Grenada, Barbados, Chile,
Brazil, Bolivia, Netherlands Antilles,
Uruguay, Surinam, Guyana, Guiana
and Argentina.

Docket Number: 42997

Date filed: February 28, 1990

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 17, 1990

Description: Amendment No. 4 to the application of Florida West Gateway, Inc. d/b/a Florida West Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests authority to serve Nicaragua. Requested authority to serve Venezuela, Brazil, Guiana, and Argentina withdrawn by Amendment No. 2, previously noticed.

Docket Number: 42997

Date filed: April 10, 1990

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 17, 1990

Description: Amendment No. 5 to application of Florida West Gateway, Inc. d/b/a Florida West Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests authority to serve Antigua, St. Kitts, Dominica, St. Lucia, French Guiana, and Peru.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 90-18952 Filed 8-10-90; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. 90-01-VE-NO2]

Notice of Final Determination That Certain Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final determinations that certain vehicles are eligible for importation.

SUMMARY: This notice sets forth final determinations by the National Highway Traffic Safety Administration (NHTSA) that certain motor vehicles that are certified as complying with the Canadian Motor Vehicle Safety Standards but which do not comply with the Federal Motor Vehicle Safety Standards are nevertheless eligible for importation into the United States because they are:

- (1) Substantially similar to motor vehicles which were originally manufactured to conform to the Federal standards and to be imported into and sold in the United States, and
- (2) Capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

DATES: The final determinations are effective August 13, 1990.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(A)(i) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) (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 on and after January 31, 1990, unless NHTSA has determined, either pursuant to a petition or on its own initiative, that the motor vehicle

is substantially similar to a motor vehicle originally manufactured for importation and sale into the United States, certified under 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 modified to conform to all applicable Federal motor vehicle safety standards.

(section 108(c)(3)(A)(i)(I) or that,

where there is no substantially similar United States motor vehicle, the agency has determined that the "safety features of the motor vehicle comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary determines to be adequate * * *

(section 108(c)(3)(A)(i)(II).

As NHTSA noted in the preamble to the final rule (54 FR 49003; September 29, 1989) establishing 49 CFR part 593, regarding determinations that a vehicle not originally manufactured to conform to the Federal motor vehicle safety standards is eligible for importation, the phrases "substantially similar" and "capable of being readily modified" are not defined by the 1988 amendments to the Act. For a full discussion of NHTSA's interpretations of the quoted phrases, the reader is referred to the agency's notice of tentative determinations of vehicle eligibility, published on April 25, 1990 (55 FR 17518).

The notice of tentative determinations of eligibility covered two categories of motor vehicles that have not been certified by their original manufacturers under section 114 of the Act. The first of these categories was comprised of passenger cars of 1989 and earlier model years, and all other vehicle types, that were certified by their original manufacturers as complying with all applicable Canadian motor vehicle safety standards, but not all applicable Federal motor vehicle safety standards, and that are substantially similar to

vehicles that, having been originally manufactured for sale in the United States, are certified as complying with all Federal safety standards. The second category was comprised of certain nonconforming passenger cars manufactured in Great Britain, Germany, Italy, and Japan, which are substantially similar to conforming counterparts manufactured for sale in the United States and which have been the subject of sufficient demonstrations of conformance since 1987 to justify release of the performance bond under which they entered the United States.

There were six commenters. Substantive questions were raised with respect to the second category of vehicles which the agency is presently considering. However, none of the commenters specifically addressed the tentative determinations regarding Canadian vehicles. There being no issues regarding these vehicles, in an effort to expedite commerce between the United States and Canada, the agency deems it in the public interest to proceed to a final determination on Canadian motor vehicles at this time, instead of deferring a determination until the issues raised by the commenters affecting the second category of vehicles is resolved.

Substantially Similar Vehicles Certified as Meeting Canadian Standards

Because of the comparatively recent enactment of the eligibility legislation, and of the importance of educating the public to its terms, the agency here repeats the salient points of its discussion of Canadian vehicles that appeared in the notice of tentative determination.

Two commenters during the course of rulemaking to issue regulations (Part 593) to implement the legislation under which eligibility determinations are made advanced their views that vehicles manufactured in Canada and certified to conform with the Canadian Motor Vehicle Safety Standards (CMVSS) deserved to be treated differently than vehicles manufactured to conform to European or Japanese standards, alleging that the CMVSS and Federal motor vehicle safety standards (FMVSS) are virtually identical.

NHTSA replied that the 1988 amendments to the Act appeared to require identical treatment for the importation of all vehicles that were not certified by their original manufacturers as meeting all applicable Federal motor vehicle safety standards. However, it promised to examine the question of whether the path to importation might be smoothed for Canadian-certified

vehicles by a determination on the agency's own initiative, allowing importation of Canadian-certified vehicles without the necessity for some person to petition the agency for such a determination.

NHTSA examined the CMVSS and found that, in most essential respects, they are identical to the FMVSS. To be sure, there are certain differences. Two examples will suffice. Under CMVSS No. 101, *Controls and Displays*, speedometers/odometers must be marked in kilometers, whereas those complying with FMVSS No. 101, *Controls and Displays*, need only to be marked in miles per hour. Headlamps meeting ECE requirements are permissible under CMVSS No. 108, *Lamps, Reflective Devices, and Associated Equipment*, but they are not permissible under FMVSS No. 108. As NHTSA noted earlier, where a vehicle already conforms to a safety standard, the question of its capability of modification is not reached. Further, because of the near identity of the Canadian and U.S. standards, such modifications as may be required are comparatively minor in nature, and hence such vehicles are capable of being readily modified.

There is, however, one important exception. CMVSS No. 208, *Occupant Restraint Systems*, does not require a motor vehicle to be equipped with an automatic restraint, although it allows it to be. Therefore, this Canadian standard lacks the mandatory requirements that became effective for a percentage of passenger cars manufactured on or after September 1, 1983, and increased in each of the three subsequent years, culminating in the requirement for installation of automatic restraints in all passenger manufactured on and after September 1, 1989. Heretofore, NHTSA has not required any individual importer of only a single 1987-89 Canadian car to equip it with an automatic restraint system. With respect to the two importers of Canadian cars for resale during this period, it has required them, as "manufacturers" under the National Traffic and Motor Vehicle Safety Act, to equip a percentage of their vehicles with automatic restraints.

NHTSA has not compared the similarities and differences between 1989 and 1990 automatic restraint systems in U.S.-certified models. Since the agency does not know whether replacement systems could be installed in 1990 model Canadian cars, it is not able to present to make a determination of ready capability of modification. However, in the absence of a determination by NHTSA on its own

initiative, a manufacturer or Registered Importer may nevertheless petition NHTSA for a determination. Since the notice of tentative determination, NHTSA has learned that some 1990 model Mercedes-Benz passenger cars certified for sale in Canada have as standard equipment automatic restraint systems. It is unclear at this point whether the automatic restraint systems are intended to comply with the requirements of FMVSS No. 208. As it is not NHTSA's intent to exclude a Canadian vehicle manufactured on or after September 1, 1989, which is equipped with an automatic restraint system as original equipment that complies with the requirements of FMVSS No. 208, such a passenger car so equipped has been added to the list of motor vehicles eligible for entry under this present final determination.

The agency's tentative determination regarding motor vehicles manufactured or sold in Canada covered two types of vehicles:

- Those substantially similar to vehicles originally manufactured for importation and sale in the United States (such as Canadian-manufactured Volvos with U.S.-certified counterparts), and
- Those substantially similar to vehicles manufactured in the United States for sale in the United States (such as makes and models manufactured in both the U.S. and Canada by Ford, General Motors, and Chrysler)

The second group of Canadian vehicles posed a classification problem for the agency. The statute specifies that, in order for the agency to permit the importation of a noncomplying motor vehicle, it must have determined either that the noncomplying motor vehicle is substantially similar to a motor vehicle "originally manufactured for importation into and sale in the United States, certified under section 114", or "where there is no substantially similar United States motor vehicle," that the "safety features of the motor vehicle comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary determines to be adequate * * *"

A number of the models manufactured in Canada for sale there appear to be substantially similar to motor vehicles manufactured in Canada and imported into the United States for sale. Last year, according to the 1989 Automotive News Data Book, these included the Eagle Premier, Ford Tempo and Crown Victoria, Mercury Topaz and Grand Marquis, Chevrolet Lumina and

Celebrity, Oldsmobile Cutlass Ciera, Buick Regal, Honda Civic, Toyota Corolla, and Volvo 740.

However, NHTSA is also aware that there are other Canadian vehicles not sold in the U.S. whose "substantially similar" counterpart is manufactured in the U.S. (and hence not manufactured for importation into the U.S.), such as the Canadian Pontiac Tempest and the corresponding Chevrolet Corsica. These vehicles do not readily fall into either the section 108(c)(3)(A)(i)(I) category of vehicles or the section 108(c)(3)(A)(i)(II) category of vehicles. These Canadian vehicles are not substantially similar to vehicles manufactured in compliance with the Federal safety standards and imported into the U.S. because the versions sold in the U.S. are *manufactured* in the U.S. At the same time, the premise of section 108(c)(3)(A)(i)(II), i.e., that there are no substantially similar United States motor vehicles, is not true, at least in the broad sense of there being vehicles, regardless of their place of manufacture, which are substantially similar to those Canadian vehicles and which do comply with the Federal safety standards.

The agency believes that it is most suitable to regard these Canadian vehicles as falling within the section 108(c)(3)(A)(i)(I) category of vehicles. These Canadian vehicles are no less similar to complying vehicles for sale in the United States than the Canadian produced Volvos are to the Volvos produced in Sweden for sale in the United States. The agency sees no policy reason for applying the language of section 108(c)(3)(A)(i) so strictly as to exclude those Canadian vehicles lacking a complying imported counterpart. There is no compelling safety reason to do so; vehicles certified as meeting the CMVSS are in almost all respects identical to those certified under section 114.

Fees

Section 108(c)(3)(A)(iii) requires registered importers to pay such fees as NHTSA reasonably establishes to cover its cost in making determinations under subsection (i)(I) on its own initiative that motor vehicles are eligible for importation. In implementation of this requirement, NHTSA has specified \$1,560 as the fee payable by a registered importer for a determination on the agency's own initiative that a motor vehicle is substantially similar and readily capable of conformance (49 CFR 594.8(a)). Such a fee is payable by the first person importing a vehicle under the determination (594.8(b)).

One commenter to the docket, Import Trade Services U.S.A., Inc., was under the impression that this fee would be required for the importation of each Canadian vehicle covered by the determination, and that the total accumulation of fees might approach \$750,000, far exceeding the costs of the agency in making such a determination. The agency wishes to clarify that the fee of \$1,560 is intended to be inclusive of the determination regarding all Canadian cars, and will be payable only once, and only by the first importer of any Canadian vehicle covered by this determination.

Final Determination

Accordingly, in consideration of the above, the National Highway Traffic Safety Administration hereby determines that all passenger cars which were manufactured between January 1, 1968, and August 31, 1989, and which bear as a model year designation any year from 1968 through 1989, all passenger cars manufactured on or after September 1, 1989, which are equipped with an automatic restraint system by its original manufacturer which complies with FMVSS No. 208, and all other types of motor vehicles manufactured from January 1, 1968 on, which are certified by their original manufacturer as complying with all applicable Canadian motor vehicle safety standards, and which are of the same make, model, and model year of any passenger car, multipurpose passenger vehicle, truck, bus, trailer,

and motorcycle that was originally manufactured for importation into and sale in the United States, or originally manufactured in the United States for sale there, and that bore a certification of compliance with all applicable Federal motor vehicle safety standards, are substantially similar to those vehicles originally manufactured in compliance with the FMVSS and are capable of being readily modified to conform to all applicable FMVSS.

The Office of Vehicle Safety Compliance requests that a registered importer use the eligibility code VSA-1 on NHTSA importation form HS-7 when entering any motor vehicle that is covered by this determination.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and 1397 (c)(3)(C)(iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 8, 1990.

Jeffrey R. Miller,

Deputy Administrator.

[FR Doc. 90-18888 Filed 8-7-90; 4:16 pm]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

UMTA Sections 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1990, Public Law

101-164, signed into law by President George Bush on November 21, 1989, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to section 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT:

Janet Lynn Sahaj, Chief, Resource Management Division, Office of Capital and Formula Assistance, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street SW., room 9301, Washington, DC 20590, (202) 366-2053.

SUPPLEMENTARY INFORMATION: The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

Transit property	Grant No.	Grant amount	Obligation date
Santa Clara County Transit District, Santa Clara, CA	CA-03-0256-00	\$404,652	07/13/90
Orange-Seminole-Osceola Transportation Authority, Orlando, FL	FL-03-0104-00	1,950,000	07/10/90
Pioneer Valley Transit Authority, Springfield-Chic-Holy, MA-CT	MA-03-0158-00	439,998	06/05/90
Montachusett Regional Transit Authority, Fitchburg-Leominster, MA	MA-03-0161-00	406,248	06/05/90
Maine Department of Transportation, Augusta, ME	ME-03-0026-00	999,999	07/19/90
City of Osage Beach, Osage Beach, MO	MO-03-0030-00	165,000	06/04/90
Niagara Frontier Transportation Authority, Buffalo, NY	NY-03-0219-00	1,999,998	07/23/90
Niagara Frontier Transportation Authority, Buffalo, NY	NY-03-0236-01	7,999,998	07/23/90
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY-03-0237-00	67,837,401	06/04/90
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY-03-0260-00	108,742,800	06/04/90
Dutchess County, Poughkeepsie, NY	NY-03-0258-00	4,900,500	07/23/90
Capital District Transportation Authority, Albany, NY	NY-03-0255-00	375,000	07/23/90
County of Chemung, Elmira, NY	NY-03-0252-00	492,801	07/23/90
Greater Cleveland Regional Transit Authority, Cleveland, OH	OH-03-0104-00	19,614,756	07/12/90
Greater Cleveland Regional Transit Authority, Cleveland, OH	OH-03-0105-00	8,400,000	07/12/90
Tri-County Metropolitan Transportation District of Oregon, Portland, OR-WA	OR-03-0037-00	2,499,999	06/06/90
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA-NJ	PA-03-0209-01	52,500,000	06/22/90
State Department of Highways and Public Transportation, Bastrop County, TX	TX-03-0133-00	363,507	06/27/90
Greater Roanoke Transit Company, Roanoke, VA	VA-03-0044-00	373,023	07/03/90
West Virginia Department of Transportation, WV	WV-03-0020-00	8,574,012	07/03/90
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X031-02	40,000	06/29/90
Mobile Transit Authority, Mobile, AL	AL-90-X041-01	17,956	06/29/90
City of Gadsden, Gadsden, AL	AL-90-X045-01	54,400	06/29/90
Sunline Transit Agency, Palm Springs, CA	CA-90-X361-00	665,453	06/29/90
Stockton Metropolitan Transit District, Stockton, CA	CA-90-X364-00	830,200	07/06/90