

30115 (formerly 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 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.

Liphardt & Associates of Ronkonkoma, New York (Registered Importer R-90-004) petitioned NHTSA to decide whether 1989 Nissan Maxima passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on September 12, 1995 (60 FR 47426) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

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-138 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1989 Nissan Maxima not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1989 Nissan Maxima originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, 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: December 4, 1995.

Marilynne Jacobs,
*Director, Office of Vehicle Safety,
Compliance.*

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Maritime Administration

[Docket S-929]

Mormac Marine Transport, Inc.; Notice of Application for Written Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

Mormac Marine Transport, Inc. (Transport) by letter of November 22, 1995, requests, pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act) and Article II-13 of Operating-Differential Subsidy Agreements (ODSA) MA/MSB-295(a), (b), and (c), written permission to expand the scope of domestic operations permitted under the ODSA Contract MA/MSB-295 to include the management and operation of the vessels POTOMAC TRADER, DELAWARE TRADER, and CHESAPEAKE TRADER (Vessels) for Attranco, Inc. (Attranco), pursuant to a management agreement to be entered into between Mormac Marine Enterprises (Mormac) and Attranco.

Mormac and Transport are owned by Mormac Marine Group, Inc. (Parent). Transport, Mormac and the Parent have common ownership as well as common directors and officers.

Transport states that pursuant to a management agreement to be entered into between Attranco and Mormac, Mormac will become the manager of the Vessels. The Vessels, Transport continues, will be used in the Jones Act trade in essentially the same manner as is currently the case. Transport explains that since the Vessels will essentially continue their current services as they have been used by Attranco, the management of the Vessels by Mormac will not result in any change in competitive conditions for U.S.-flag vessels providing service in the Jones Act trade. Transport further explains that it and Mormac are entirely separate corporate entities that will maintain separate and discreet accounts so there will be no issue of subsidy leakage. Furthermore, Transport continues, the only benefit which Mormac will receive in respect of the operation of the Vessels will be a management fee, and all other benefits of operations will redound to Attranco.

In Transport's views, no U.S.-flag competitor of the Vessels will be subject to any changed circumstances or unfair

competition as a result of the change in management of the Vessels, nor will the operation of the Vessels by an affiliate of Transport be prejudicial to the purposes and policies of the Act.

In summary, Transport requests that the scope of domestic operations permitted under ODSA Contracts MA/MSB-295 (a), (b), and (c) be modified to incorporate the management and operation of the Vessels and requests approval for common ownership, officers and directors of Mormac and Transport.

Finally, Transport advises that Mormac will assume management responsibilities of the Vessels on January 1, 1996.

The application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm or corporation having any interest (within the meaning of section 805(a)) in Transport's request and desiring to submit comments concerning the request must by 5:00 pm on December 15, 1995, file written comments in triplicate with the Secretary, Maritime Administration, together with a petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petition for leave to intervene is received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) would result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.805 (Operating-Differential Subsidies)).

By Order of the Maritime Administrator.

Dated: December 6, 1995.

Joel C. Richard,

Secretary.

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