

Issued in Des Plaines, Illinois, on August 6, 1999.

Benito De Leon,

*Manager, Planning/Programming Branch,
Airports Division, Great Lakes Region.*

[FR Doc. 99-21183 Filed 8-13-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5056; Notice 2]

Grant of Application for Determination of Inconsequential Noncompliance with Federal Motor Vehicle Safety Standard 108—Lamps, Reflective Devices and Associated Equipment

General Motors Corporation (GM), determined that GM S10 Electric Trucks (S10 trucks equipped with an electric propulsion system) fail to meet the turn signal bulb outage requirements found in S5.5.6 of Federal Motor Vehicle Safety Standard (FMVSS) 108—Lamps, Reflective Devices and Associated Equipment. Pursuant to Title 49 of the United States Code, Sections 30118 and 30120, GM applied to the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential as it relates to motor vehicle safety. In accordance with 49 CFR 556.4(b)(6), GM also submitted a 49 CFR 573 noncompliance notification to the agency.

A notice of receipt of an application was published in the **Federal Register** (64 FR 27034) on May 18, 1999. Opportunity was afforded for comments until June 17, 1999. No comments were received.

FMVSS 108 S5.5.6 requires:

S5.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588e, Turn Signal Lamps, September 1970, except when a variable-load turn signal flasher is used on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, on a truck that is capable of accommodating a slide-in camper, or on any vehicle equipped to tow trailers.

The design of the S10 Electric Truck is based on the design of conventional S10 trucks powered by internal combustion engines, with modifications to accommodate the electric propulsion system. The conventional S10 trucks are capable of towing, have a variable load flasher, and, therefore, are not required by the Standard to provide bulb outage indication. The use of an S10 Electric

Truck for towing is not practical and is not recommended. The impact of that fact was overlooked in the process of carrying over the design of the turn signal system from the conventional S10 to the S10 Electric and, therefore, the non complying vehicles were not equipped to indicate bulb outage and do not meet that requirement of FMVSS 108 S5.5.6. This was corrected in the 1998 model year production of the S10 Electric.

GM believed that this noncompliance is inconsequential to motor vehicle safety for these reasons:

The S10 Electric Trucks are identical in appearance to the normal production vehicles. Except for the lack of towing capability, the subject vehicles are functionally the same as fully compliant S10 trucks.

There were only 209 vehicles produced and, therefore, the exposure is extremely small.

Most of the subject vehicles are part of commercial and government fleets (they have been purchased by electric utility companies and state and municipal government agencies). As such, they will be exposed to routine maintenance schedules that are more rigorous than the average consumer practices.

Most trucks currently produced are capable of trailer towing and, thus, are not required to detect bulb outage. As a result, individuals and fleets who are accustomed to truck operation do not necessarily have an expectation that turn signal bulb outage will be indicated. In addition, other lamps required by FMVSS 108 are not required to provide bulb outage indication. As a result, the lack of that feature on these vehicles is not likely to be noticed by the vehicle operators, and they will continue to discover turn signal bulb outage the way they would on other trucks that are capable of towing.

GM is not aware of field complaints due to the subject condition.

GM asserted that the noncomplying trucks present the same level of safety as the millions of other vehicles with variable load flashers currently on the roads and highways. GM thus argued that this noncompliance is inconsequential as it relates to motor vehicle safety. In consideration of the foregoing, GM petitioned that it be exempted from the notification and remedy provisions of the Safety Act for this specific noncompliance with FMVSS No. 108.

The agency recognizes that these electric vehicles are mainly used in fleet service and in such use do receive regular periodic maintenance where detection of the failure of a turn signal

lamp and replacement thereof is more likely than in individual ownership of such a vehicle. Thus, the agency is convinced that this noncompliance is inconsequential to motor vehicle safety. The likelihood of these S10 Electric Trucks having any sustained period of outage, relative to a normal S10, or even to vehicles with turn signal failure indication is expected to be a relatively infrequent event.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described above is inconsequential to motor vehicle safety. Accordingly, its application is granted, and the applicant is exempt from providing the notification of noncompliance required by 49 U.S.C. 30118, required by 49 CFR 30120.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 10, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-21184 Filed 8-13-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6009]

W.F. Mickey Body Company, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

W.F. Mickey Body Company, Inc. (Mickey Body), a manufacturer of trailers (beverage bodies, van bodies, and vending bodies), is a corporation organized under the laws of the State of North Carolina with its principal place of business located in High Point, North Carolina. Mickey Body has determined that its tire and rim label information, on some units, is not in full compliance with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Vehicles Other Than Passenger Cars," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Mickey Body has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other

exercise of judgment concerning the merits of the application.

Paragraph S5.3 of FMVSS No. 120 states that each vehicle shall show the information specified on the tire information label in both English and metric units. The standard also shows an example of the prescribed format.

From March 1996 to March 1999, Mickey Body manufactured approximately 2,464 beverage trailers, 4,222 beverage bodies, 5,822 van bodies, and 472 vending bodies that do not meet the requirements stated in the standard. The certification label affixed to these Mickey Body's units pursuant to Part 567 failed to comply with S5.3 of FMVSS No. 120 because of the omission of metric measurements, and Mickey Body did not separately provide the metric measurements on another label, an alternative allowed by FMVSS No. 120. The use of metric measurements is required by FMVSS No. 120, pursuant to *Federal Motor Vehicle Safety Standards: Metric Conversion*, 50 FR 13639, published on March 14, 1995, and effective on March 14, 1996.

Mickey Body supports its application for inconsequential noncompliance with the following statements:

1. NHTSA has previously granted an exemption for inconsequential noncompliance [to Dorsey Trailers, Inc.] under circumstances virtually identical to [Mickey Body's] present case.

2. The omission of the metric data from Mickey Body's certification label is highly unlikely to have any effect whatsoever on motor vehicle safety.

3. Mickey Body currently includes a certification label that expresses the GVWR, GAWR and tire pressure in both English and metric units.

4. Mickey Body is not aware of any accident that was allegedly caused by the omission of metric measurements from a certification label.

5. Mickey Body did not receive reasonable notice of what is required by [paragraph S5.3 of FMVSS No. 120] and, therefore, the imposition of notification and remedy requirements are a violation of Mickey Body's due process rights under the Fifth Amendment of the [United States] Constitution.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, D.C., 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date

indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: September 15, 1999.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 10, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-21185 Filed 8-13-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 206X)]

Norfolk Southern Railway Company— Abandonment Exemption—in Madison County, IL

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 7.5-mile line of railroad between milepost A-13.0 at Bluffs Junction to milepost A-20.5 at Troy Junction, in Edwardsville, Madison County, IL. The line traverses United States Postal Service Zip Codes 62025 and 62034.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line during the past 2 years and any overhead traffic could 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 September 15, 1999, 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 August 26, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 7, 1999, 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: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

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

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 20, 1999. 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) 565-1545. 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), NS 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 NS's filing of a notice of consummation

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 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 \$1000. See 49 CFR 1002.2(f)(25).