

U.S.C. chapter 301, or to decide whether to issue an order under 49 U.S.C. 30118(b). 49 U.S.C. 30111 gives the Secretary authority to prescribe motor vehicle safety standards. 49 U.S.C. 30118(b) gives the Secretary authority to issue an order to a manufacturer to notify vehicle or equipment owners, purchasers, and dealers of the defect or noncompliance and to remedy the defect or noncompliance.

Section 30162 further specifies that all petitions filed under its authority shall set forth the facts which it is claimed establish that an order is necessary and briefly describe the order the Secretary should issue.

To implement these statutory provisions, NHTSA promulgated part 552 according to the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553 *et seq.*) This regulation allows the agency to ensure that the petitions filed under section 30162 are both properly substantiated and efficiently processed.

Estimated Annual Burden: 100 hours.
Number of Respondents: 100.

Issued on: August 13, 2001.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 01-20669 Filed 8-15-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-7125 Notice 2]

General Motors Corporation; Denial of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that seat belt assemblies in certain 1999-2000 Model Year Chevrolet S-10 and GMC Sonoma pickup trucks and Chevrolet Blazer/Trail Blazer, GMC Jimmy/Envoy, and Oldsmobile Bravada sport utility vehicles failed to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 209 "Seat Belt Assemblies," and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Information Reports." GM also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118-30120 on the basis that the noncompliance is inconsequential to motor vehicle safety. See 49 U.S.C. 30118(d) and 30120(h).

Notice of receipt of the application was published on April 25, 2000, and an opportunity afforded for comment (65

FR 24252). This notice denies the application.

According to GM, from November 1998 through August 1999, the company manufactured approximately 463,513 1999 and 2000 model year Chevrolet S-10 and GMC Sonoma pickup trucks and the Chevrolet Blazer/Trail Blazer, GMC Jimmy/Envoy, and Oldsmobile Bravada sport utility vehicles that failed the performance requirement of S4.3(j)(1) of FMVSS No. 209 which states, " * * * Shall lock before the webbing extends 25 mm when the retractor is subjected to an acceleration of 7 m/s² (0.7g) . . ."

GM stated that the noncompliance results from a plastic flash (burr) on the mechanical sensor lever near its pivot where it mates to the sensor housing. This flash can cause a nonconformance to the 0.7 g locking requirement due to potential increased drag of the sensor lever in the housing. GM believes that only a very small portion of the subject retractors fail to meet the 0.7 g retractor locking requirement and the transportation shock and vibration that the subject retractors might experience during transit to dealerships, either by rail or truck (haulaway), would make compliant a large percentage of the noncompliant retractors.

GM stated that the subject seat belt assemblies locked at no more than 1.2 g. GM provided dynamic frontal barrier test data demonstrating that onset shoulder belt loading occurs prior to the time it takes for the seat belt assembly to reach 1.2 g. In addition, GM calculated the acceleration to lock the retractor in a rollover simulation and concluded that the subject retractors will lock up prior to rollover.

No responses were received on the request for public comments.

The purpose of the emergency locking retractor (ELR) requirement is to lock the webbing spool and restrain an occupant's travel distance before the occupant strikes the vehicle's interior structure during panic braking to avoid death and injury. In establishing the levels for the ELR requirement, in response to the March 17, 1970 Notice of Proposed Rulemaking (NPRM) to amend S4.3(j)(1) of FMVSS No. 209 GM stated,

"General Motors believes that emergency locking retractors should lock during panic braking maneuvers if optimum performance is to be expected from an upper torso restraint system that is equipped with such retractors. During panic braking, an occupant may be subjected to deceleration forces well under 1.0 gravity. These decelerations usually cause the occupant to move relative to the vehicle unless restrained. In many instances, vehicle impacts are immediately preceded by panic braking which may cause

the restraint system to become fully extended prior to impact unless the retractor can lock at values under 1.0 gravity. In order to balance the convenient use of the system with the necessity to have it perform its safety restraint function, General Motors believes the standard should require that an emergency locking retractor should not lock below 0.3 gravity but must lock above 0.7 gravity." (35 FR 4641)

The subject ELRs locked at levels as high as 1.2 g, which is not the "optimum performance * * * expected from an upper torso restraint system," which currently is required at 0.7 g, as recommended by GM in their response to the 1970 NPRM. GM determined by its dynamic frontal barrier test data that onset shoulder belt loading occurs prior to the time it takes for the seat belt assembly to reach 1.2 g. NHTSA shares the same concern GM had in its 1970 NPRM response that,

"during panic braking, an occupant may be subjected to deceleration forces well under 1.0 gravity. These decelerations usually cause the occupant to move relative to the vehicle unless restrained. In many instances, vehicle impacts are immediately preceded by panic braking which may cause the restraint system to become fully extended prior to impact unless the retractor can lock at values under 1.0 gravity."

Since these subject retractors do not lock at deceleration forces below 1.0 g, but instead lock up at 1.2 g, the delay in lockup time may cause occupants to move about more freely in a frontal crash or in a rollover, and thus be injured by striking the interior of the vehicle. The injury potential may apply more so to those who sit in a full forward seating position, or close to an object such as the steering wheel, the knee bolster, or other parts of the interior of the vehicle. GM did not provide any dynamic frontal crash injury criteria data to disprove the delay in lockup might not cause injury to an occupant with these noncompliant retractors.

GM believes that the pre-sale delivery transportation shock and vibration that the subject retractors might experience during transit to dealerships, either by rail or truck (haulaway), would jar a lot of the burrs off of these parts and make compliant a large percentage of the noncompliant retractors. However, GM admits that some noncompliant retractors will remain and a safety risk will still exist.

In order for NHTSA to decide an inconsequentiality petition, it is necessary to determine whether the particular noncompliance is likely to increase the risk that an occupant will experience the type of injury that the requirement is intended to prevent.

Arguments that only a small number of vehicles or pieces of motor vehicle equipment are affected generally will not justify granting a petition. But, more importantly, the key issue is whether the noncompliance is likely to increase the safety risk to occupants. *Cosco, Inc.; Denial of Application for Inconsequential Noncompliance*, 64 FR 29408 (June 1, 1999). In this instance, we conclude that the noncompliance is likely to increase a safety risk to users of the restraint system.

In consideration of the foregoing, it is hereby found that the applicant has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential to safety, and its application is denied.

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

Issued on: August 13, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01-20667 Filed 8-15-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA-98-4470]

Pipeline Safety: Meeting of Gas Pipeline Safety Advisory Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of technical pipeline safety standards advisory committee meeting (TPSSC).

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1) notice is given of a public meeting of the Technical Pipeline Safety Standards Committee (TPSSC) to be conducted by the Research and Special Programs Administration's (RSPA), Office of Pipeline Safety (OPS). The meeting will be held on Thursday, September 13, 2001 from 9 a.m. to 5 p.m.

The TPSSC is a statutorily mandated advisory committee that advises RSPA on proposed safety standards for gas pipelines. The committee consists of 15 members—five each representing government, industry, and the public.

On July 27, 2001, RSPA issued a notice of request for comments, "Pipeline Safety: Integrity Management in High Consequence Areas (Gas Transmission Pipelines)," (66 FR 34318). RSPA sought further information and clarification, and

invited further public comment about integrity management concepts as they relate to gas pipelines. A copy of the notice and comments received in docket number RSPA 00-7666 are available over the Internet from the DOT Dockets Management System <http://dms.dot.gov>. To prepare the TPSSC for future consideration of proposed rules on integrity management programs for gas pipelines, RSPA will brief the Committee on integrity management concepts for gas pipelines and on the comments received in response to the notice.

Discussions will be focused on a summary of comments on the seven elements described in the notice:

1. Defining high consequence areas.
2. Identifying and evaluating threats to pipeline integrity.
3. Selecting the assessment technologies.
4. Determining time frames to conduct a baseline integrity assessment and to make repairs.
5. Identifying and implementing additional preventive and mitigative measures.
6. Continually evaluating and reassessing pipeline segments.
7. Monitoring the effectiveness of the management process.

In addition, the TPSSC will be briefed on the progress of the American Society of Mechanical Engineers' B31.8 Committee on the Integrity Management Standard. This new standard will outline the technical guidance for implementation of an operator's integrity management plan, including data management, quality control, management of change and communication.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Juan Carlos Martinez at (202) 366-1933.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, OPS, (202) 366-4431 or Richard Huriaux, OPS, (202) 366-4565, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: Members of the public may attend the meeting in person at Dulles Airport Marriott, 45020 Aviation Drive, Dulles, VA 20166; phone (703) 471-9500. Due to limited space, anyone wishing to attend or participate should notify Juan Carlos Martinez, at (202) 366-1933, not later than August 30, 2001.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on August 10, 2001.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01-20634 Filed 8-15-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34078]

Carrizo Gorge Railway Inc.-Operation Exemption-Line of San Diego and Arizona Eastern Railway Company and San Diego & Imperial Valley Railroad Company, Inc

Carrizo Gorge Railway Inc. (CZRY), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to operate approximately 6.2 miles of rail line currently owned by San Diego and Arizona Eastern Railway Company (SD&AE) and controlled through management by San Diego & Imperial Valley Railroad Company, Inc. (SDIY). The rail line extends between the International Border between the United States and Mexico, milepost 59.60 at Division, CA, and milepost 65.80 at Campo, CA (subject line).¹

CZRY states that, for 17 years until July 1, 2001, pursuant to an operation and management agreement with SD&AE, SDIY provided freight service over a rail line that extends a distance of approximately 130 miles between San Diego, CA, and a point near Plaster City, CA (the San Diego-Plaster City line), including the Tijuana and Tecate Railroad (T&T), with approximately 45 miles of that line located in Mexico.² See *San Diego & Imperial Valley R. Co., Inc.—Exemption*, 1 I.C.C.2d 941 (1985). CZRY further states that, effective July 1, 2001, a unit of the Mexican government awarded it the right to operate the T&T.

CZRY indicates that it and SDIY have entered into an Interchange Agreement (Agreement), as of June 28, 2001, whereby CZRY is authorized to operate the subject line for the purpose of interchanging traffic that originated or will terminate in Mexico with SDIY.

¹ SD&AE is owned by the San Diego Metropolitan Transit Development Board, a noncarrier public agency which operates light rail passenger transit service over a portion of the San Diego-Plaster City line between San Diego, CA, and the International Border between the United States and Mexico at San Ysidro, CA/Tijuana, MX.

See *San Diego & Imperial Valley Railroad Company, Inc.—Exemption From 49 U.S.C. 10901 and 11301*, Finance Docket No. 30457 (ICC served Aug. 17, 1984).

² The Board has no jurisdiction over track located in Mexico. *Id.* at n.3.