

Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on September 12, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02-24722 Filed 9-27-02; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2002-12837]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Applicant

Union Pacific Railroad Company, Mr. Phil M. Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179-1000.

Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system on the single main track, between milepost 84.1 and milepost 86.0, on the Peoria Subdivision, at Sommer, Illinois, consisting of the following:

1. Removal of the fixed approach signals at milepost 83.24 and 86.7;
2. Removal of automatic signal 01, at milepost 84.1 and automatic signal 02, at milepost 86.0;
3. Removal of the two electric switch locks at milepost 84.2 and milepost 85.9; and
4. Removal of the four switch circuit controllers and associated track circuits.

The reasons given for the proposed changes are that the electric locks and signals are not necessary for present day operation. The application area is track warrant control territory and all trains must obtain authority from the UP train dispatcher before entering the main line onto the Peoria Subdivision. The affected signals only display a lunar or red aspect, and the speed in the area is limited to 30 mph.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001.

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FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on September 12, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP02-008

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect recall.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency compel General Motors Corporation (GM) to recall model year (MY) 1999 Chevrolet Malibu vehicles to address an alleged safety-related defect. The petition is identified as DP02-008.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5226.

SUPPLEMENTARY INFORMATION: Mr. Robert N. Green of Alexandria, VA, submitted a petition to NHTSA by letter dated May 21, 2002, requesting NHTSA to compel GM to recall MY 1999 Chevrolet Malibu vehicles (subject vehicles). The petitioner alleges that the engine coolant in his MY 1999 Chevrolet Malibu boils over, the low coolant red warning light comes on, and the coolant system reservoir requires frequent refilling. He believes that the alleged defect causes safety problems.

GM has issued two Technical Service Bulletins (TSB) that may pertain to the alleged defect. TSB No. 99-06-02-009, issued in March 1999, concerns malfunction of the check valve in the coolant pressure cap in the subject vehicles, which may cause one or more of the following conditions: coolant leaks, the low coolant light to come on, overheating or no heat, odors coming from the air conditioning system, and no start. The TSB applies to MY 1999 Chevrolet Malibu and Cavalier, Oldsmobile Alero and Cutlass, Pontiac Grand AM and Sunfire, and Chevrolet and GMC Silverado and Sierra vehicles. The second TSB, No. 00-06-02-001, issued in January 2000, concerns a radiator filler neck that may have an

imperfection in the sealing surface that may cause one or more of the following conditions: engine running hot, engine overheating, loss of coolant, and low coolant message. The TSB applies to all MY 1999–2000 passenger cars and trucks with a composite radiator end tank.

A review of ODI's database shows that there are nine consumer complaints related to the engine cooling system in the subject vehicles. Five complaints allege that coolant leaked from the engine's intake manifold gasket; two complaints allege that the engine overheated due to an unspecified coolant leak; one complaint alleges that there was a smell of engine coolant; and one complaint alleges an unspecified coolant problem. None of the complaints reported any coolant-related fire or injury. Furthermore, a similar review of consumer complaints about the other vehicles covered by the aforementioned TSBs also shows no reports of coolant-related fire or injury.

Based on our evaluation of the petition, the ODI complaints, and the TSBs, the cooling system defect alleged in the petition does not appear to be related to motor vehicle safety within the meaning of our statute.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of an alleged safety-related defect as defined by the petitioner in the subject vehicles at the conclusion of an investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: September 24, 2002.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 02–24727 Filed 9–27–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP02–006

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety in model year (MY) 2000 Kia Sportage vehicles with respect to their propensity to roll over. After reviewing the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issue raised by the petition does not appear to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP02–006.

FOR FURTHER INFORMATION CONTACT:

Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–5226.

SUPPLEMENTARY INFORMATION: Ms. Anne Marie Terrone of Franklin Square, New York, submitted a petition by letter dated April 17, 2002, requesting that NHTSA commence an investigation to determine the existence of a defect related to motor vehicle safety in MY 2000 Kia Sportage vehicles. The petitioner alleges that as she was making a left-hand turn, her MY 2000 Kia Sportage vehicle rolled over twice, causing her serious injuries.

In response to ODI's inquiry, Kia Motors America, Inc (KMA) provided ODI with information concerning the aforementioned rollover incident. KMA's information included a copy of the lawsuit filed by the petitioner and a copy of the police accident report (PAR). The lawsuit states that the petitioner's vehicle rolled over twice while changing lanes on Route 135 in Nassau County, New York. The PAR

states that the incident occurred at 1:45 p.m., on March 16, 2001, on Route 135, an expressway with a posted speed limit of 55 mph. A non-scaled rough diagram in the PAR appears to show that the vehicle was initially in the right hand lane of the three-lane roadway, overturned between the right and middle lanes and came to a stop at an angle between the left and middle lanes. The PAR indicates that no other vehicle was involved and that "unsafe speed" was an apparent contributing factor.

Two variables that have significant influence on a vehicle's resistance to rollover are its track width and center-of-gravity (CG). Wider track width and/or lower CG increases the vehicle's resistance to rollover. According to KMA, the Kia Sportage vehicle's track width and CG are the same from MY 1995 (first model year) to MY 2002. Accordingly, ODI has reviewed NHTSA's consumer complaint database, the Fatality Analysis Reporting System database (FARS), and available state data for the MY 1995–2000 Kia Sportage vehicles (subject vehicles) to search for reported rollover incidents. ODI did not include MY 2001–2002 since state crash data and FARS data are either not available or incomplete at this time. For comparison purposes, ODI also reviewed similar data for the MY 1995–2000 Chevrolet/Geo Tracker, MY 1997–2000 Honda CR–V, MY 1999–2000 Suzuki Vitara/Grand Vitara, MY 1998–2000 Isuzu Amigo, and MY 1996–2000 Toyota RAV4 (hereinafter "peer vehicles"). These vehicles were selected as peers of the subject vehicles because of their general characteristics rather than specific dimensions. ODI also compared the rollover risk of the subject vehicles with those of certain model year 2001 Sport Utility Vehicles (SUV) evaluated under NHTSA's New Car Assessment Program (NCAP).

Table 1, below, compares the number of complaints ODI has received for the subject vehicles and the peer vehicles of rollover incidents that appeared to have occurred on the road surface and did not involve another vehicle (Single-Vehicle On-Road ("SVOR") rollovers). This data does not suggest that the Kia Sportage has a higher propensity of SVOR rollover than the peer vehicles.

TABLE 1.—ODI COMPLIANT COMPARISON ON SVOR ROLLOVER BETWEEN THE SUBJECT VEHICLES AND THE PEER VEHICLES

Make and model	Model year						Total
	1995	1996	1997	1998	1999	2000	
Kia Sportage	0	0	0	1	0	1	2
Isuzu Amigo	n/a	n/a	n/a	0	0	0	0
Honda CR–V	n/a	n/a	0	0	0	1	1