

ITS supervisory stations are located, which monitor the PCX's Participant Market.

The ITSOC proposes to amend the ITS Plan in various sections to incorporate the usage of the ARCA Facility and the ARCA Facility Supervisory Center. In particular, the ITS Plan would be amended to include references to the ARCA Facility and the ARCA Facility Supervisory Center regarding ITS supervisory stations, the receipt of quotations, the description of ITS transactions, commitment information, implementation obligations of the pre-opening application, system access, and the operational parameters for the ARCA Facility.⁶

II. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed Plan amendment is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed Plan amendment that are filed with the Commission, and all written communications relating to the proposed Plan amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such proposed Plan Amendment will also be available for inspection and copying at the principal office of the ITS. All submissions should refer to File No. 4-208 and should be submitted by September 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

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⁶ See ITS Plan, Section 1 ("Definitions"); Section 5 ("The System"); Section 6 ("ITS"); Section 7 ("Pre-Opening Application"); and Section 8 ("Participants' Implementation Obligations") (proposing to incorporate the usage of the ARCA Facility and the ARCA Facility Supervisory Center on the PCX in these sections, respectively).

⁷ 17 CFR 200.30-3(a)(29).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Butte County, California

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Butte County, California.

FOR FURTHER INFORMATION CONTACT: R. Clayton Slovensky, Acting Team Leader, Program Delivery Team—North, Federal Highway Administration, California Division, 980 Ninth Street, Suite 400, Sacramento, California 95814, Telephone: (916) 498-5774.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) for a proposed gap-closure project on State Route (SR) 149 in Butte County, California. The proposed improvement would include upgrading the 4.6 miles of SR 149 to a 4-lane expressway, and constructing freeway-to-freeway interchanges at the existing SR 70/149 and SR 99/149 intersections.

Improvements to the corridor are considered necessary to improve safety, provide for existing and projected traffic demand, and to accommodate interregional traffic between the cities of Oroville and Chico, California. Alternatives under consideration include (1) taking no action; (2) constructing two additional lanes and a median on the south side of SR 149; (3) constructing two additional lanes and a median on the north side of SR 149; and (4) upgrading SR 149 by a combination of widening to the south and to the north.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. In addition, a public workshop will be held, with public notice being given of the time and location. The draft EIS will be available for public and agency review and comment prior to the public workshop. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions

are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 9, 2001.

R. Clayton Slovensky,

*Acting Chief, Program Delivery—North
Sacramento, California.*

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2001-10343]

Reports, Forms, and Record Keeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before October 15, 2001.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be

obtained at no charge from Walter Culbreath, NHTSA 400 Seventh Street, SW., Room 5208, NAD-40, Washington, DC 20590. Mr. Culbreath's telephone number is (202) 366-1566. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1) *Title:* 49 CFR Part 512,

Confidential Business Information.

OMB Control Number: 2127-0025.

Affected Public: Business or other-for-profit, individuals or households.

Abstract: NHTSA's statutory authority at 49 CFR chapter 301 prohibits, with certain exceptions, the agency from making public confidential information which it obtains. On the other hand, the Administrative Procedure Act requires all agencies to make public all non-confidential information upon request, (5 U.S.C. 552) and all agency rules to be supported by substantial evidence in the public record (5 U.S.C. 706). It is therefore very important for the agency to promptly determine whether or not information it obtains should be accorded confidential treatment.

NHTSA therefore promulgated 49 CFR part 512 Confidential Business Information to establish the procedure by which NHTSA will consider claims that information submitted to the agency, or which it otherwise obtains, is confidential business information.

Because of part 512, both NHTSA and the submitters of information for which confidential treatment is requested are now able to ensure that confidentiality requests are properly substantiated and expeditiously processed.

Estimated Annual Burden: 600 hours.

Number of Respondents: 150

(2) *Title:* 49 CFR Part 557, Petitions for hearings on Notifications and Remedy on Defects

OMB Control Number: 2127-0039.

Affected Public: Business or other-for-profit, individuals or households.

Abstract: NHTSA's statutory authority at 49 U.S.C. 30118(e) and 30120(e) specifies that "on petition of any interested person," NHTSA may hold hearings to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a defect or noncompliance and to remedy a defect or noncompliance for Federal Motor Vehicle Safety Standards for some of the products the manufacturer produces.

To address these areas, NHTSA has promulgated 49 CFR part 557, Petitions for Hearings on Notification and Remedy of Defects, which adopts a uniform regulation that establishes procedures to provide for submission and disposition of petitions, and to hold hearings on the issue of whether the manufacturer has met its obligation to notify owners, distributors, and dealers of safety related defects or noncompliance and to remedy the problems by repair, repurchase, or replacement.

Estimated Annual Burden: 21 hours.

Number of Respondents: 21.

(3) *Title:* 49 CFR Part 576, Record Retention.

OMB Control Number: 2127-0042.

Affected Public: Business or other for-profit.

Abstract: Under 49 U.S.C. 30166(e), NHTSA "reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable (NHTSA) to decide whether the manufacturer, distributor or dealer has complied or is complying with this chapter or a regulation prescribed under this chapter."

49 U.S.C. 30118(c) requires manufacturers to notify NHTSA and

owners, purchasers, and dealers if the manufacturer (1) "learns" that any vehicle or equipment manufactured by it contains a defect and decides in good faith that the defect relates to motor vehicle safety, or (2) "decides in good faith" that the vehicle or equipment does not comply with an applicable Federal motor vehicle safety standard. The only way for the agency to decide if and when a manufacturer "learned" of a safety-related defect or "decided in good faith" that some products did not comply with an applicable Federal motor vehicle safety standard is for the agency to have access to the information available to the manufacturer.

Further, 49 U.S.C. 30118(a) requires NHTSA to immediately notify a manufacturer if the agency determines that some of the manufacturer's products either do not comply with an applicable Federal motor vehicle safety standard or contain a safety-related defect, and provide the manufacturer with all the information on which the determination is based. Agency determinations of noncompliance are generally based upon actual testing conducted by or for the agency. However, defect determinations depend heavily upon review of consumer complaints submitted to the manufacturer, communications between manufacturers and suppliers, and the manufacturers' analyses of field problems and/or warranty claims. Without these complaints and manufacturer documents, NHTSA would have only limited access to information about vehicle or equipment problems.

To ensure that NHTSA will have access to this type of information, the agency exercised the authority granted in 49 U.S.C. 30166(e) and promulgated 49 CFR part 576, Record Retention. This regulation requires manufacturers of motor vehicles to retain one copy of all records that contain information concerning malfunctions that may be related to motor vehicle safety for a period of five years after the record is generated or acquired by the manufacturer.

Estimated Annual Burden: 40,000.

Number of Respondents: 1,000.

(4) *Title:* 49 CFR part 552, Petitions for Rulemaking, Defect and Noncompliance Orders.

OMB Control Number: 2127-0046.

Affected Public: Business or other-for-profit, Individuals or households.

Abstract: 49 U.S.C. 30162 specifies that any "interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding" to prescribe a motor vehicle safety standard under 49

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.

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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.