

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-23419; Notice 1]

Optronics Products Company, Inc.,  
Receipt of Petition for Decision of  
Inconsequential Noncompliance

Optronics Products Company, Inc. (Optronics) has determined that certain combination lamps that it produced in 2002 do not comply with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, reflective devices, and associated equipment." Optronics has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Optronics has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Optronics' petition 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 petition.

Affected are a total of approximately 6000 4-inch round LED 3 function combination lamps, part number STL45RK, produced in November 2002 and sold as replacement equipment for trailers less than 80 inches in overall width. NHTSA testing of this model showed that three out of the four tested lamps failed to meet the minimum photometry requirements for a 3-lighted section lamp. In particular, the lamps failed to meet the minimum zone 3 photometry requirements for the taillamp, stop lamp, and turn signal lamp. The FMVSS No. 108 minimum photometry requirement for zone 3 of these functions is 24 cd, 520 cd, and 520 cd, respectively. The lamps failed to meet the zonal requirements by a margin of 7% to 28% for the taillamp, and 4% to 18% for the stop and turn signal lamps.

Optronics believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Optronics states that, although the lamps noncomply with the requirements for a 3-lighted section lamp, they would meet or exceed the light output requirements if the lamps were tested to the requirements of "an incandescent light of the same fit, form, and function."

Optronics asserts that "[h]olding a 4-inch LED light to a higher standard than a 4-inch incandescent light is the result of definitions in the regulations and is not based on the relative safety of one light versus another." The petitioner further states,

[W]e believe that the lights' failure under the regulations is a technical issue and not a substantive one \* \* \*. Consumers and Company's (sic) should not be required to go through a product recall on a technicality. What is important here is the safety of the consumer. We believe that the data in this filing show that the lights are as safe as any incandescent on the road.

Optronics states that there have been no accidents, injuries, fatalities, or warranty claims related to this noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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

*Comment closing date:* February 13, 2006.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: January 9, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Finance Docket No. 34807]

Richard D. Robey—Continuance in  
Control Exemption—Susquehanna  
Valley Railroad Corporation and  
Stourbridge Railroad Company

Richard D. Robey, a noncarrier individual, has filed a verified notice of exemption to continue in control of Susquehanna Valley Railroad Corporation (SVRC), a newly incorporated holding company, and Stourbridge Railroad Company (Stourbridge).

The transaction was scheduled to be consummated on or after January 1, 2006.

At the time of filing, Mr. Robey was the sole shareholder and owner of eight Class III railroads: Stourbridge, Juniata Valley Railroad Company, Lycoming Valley Railroad Company, Nittany & Bald Eagle Railroad Company, North Shore Railroad Company, Wellsboro & Corning Railroad Company, Union County Industrial Railroad Company, and Shamokin Valley Railroad Company. In a related transaction, SVRC has filed a verified notice of exemption to acquire control of all of the above Class III railroads, except Stourbridge, which Mr. Robey will continue to control directly.

Mr. Robey states that: (i) The railroads do not connect with each other or any railroads in their corporate family; (ii) The continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and (iii) The transaction does not involve a Class I railroad. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.