

*Date & Time:* May 21, 2002, 3 p.m. 9 p.m.

*Location:* St. Cecilia's Roman Catholic Church, 84 Herbert Street, Brooklyn, NY 11222

At these meetings, attendees may review displays describing the project with project staff available to respond to questions. At 4 p.m. and 7 p.m., NYSDOT will make a brief presentation describing the project and its goals. Following each presentation, interested persons can make oral statements concerning the project, possible alternatives, and the scope of the DEIS. A stenographer will record all statements at the meeting for inclusion in the meeting record. Written statements may also be submitted at the meeting or sent to the addresses above. Any comments received within 30 days of the date of the last scoping meeting will be made part of the record.

In addition, a public hearing will be held after publication of the DEIS to obtain comments on that document. Public notice will be given of the time and place of the DEIS public hearing.

Throughout the scoping process, comments and suggestions are invited on the DEIS scope from any interested parties. Comments or questions concerning this proposed action and the EIS should be directed to NYSDOT or FHWA at the addresses provided above. Comments can also be faxed to Mr. Joseph Brown, P.E., Project Director, NYSDOT, at (718) 482-6319 or e-mailed to [kosciuszko@gw.dot.state.ny.us](mailto:kosciuszko@gw.dot.state.ny.us)

The proposed project would be funded in part through Federal programs which assist State transportation agencies in the planning and development of an integrated, interconnected transportation system important to interstate commerce and travel by constructing and rehabilitating the National Highway System, including the Interstate System. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372, which foster State and local government coordination and review of proposed Federal financial assistance and direct Federal development, apply to this program).

**Authority:** 23 U.S.C. 315; 23 CFR 771.123]

Issued on: April 18, 2002.

**Douglas P. Conlan,**

*District Engineer, Federal Highway Administration, Albany, New York.*

[FR Doc. 02-10108 Filed 4-24-02; 8:45 am]

**BILLING CODE 9410-22-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2000-7657-3]

#### General Motors North America, Inc., Grant of Application for Inconsequential Noncompliance

In response to an appeal from General Motors North America, Inc. (GM), the National Highway Traffic Safety Administration (NHTSA) is granting a GM petition for a determination that a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 118, "Power Operated Windows, Partitions, and Roof Panel Systems" is inconsequential to motor vehicle safety. This notice reconsiders NHTSA's previous denial of the GM petition.

GM originally petitioned the agency on March 10, 2000. A notice requesting comment on the GM petition was published on August 7, 2000 (65 FR 48280). The agency initially denied the petition (66 FR 50496), and GM submitted an appeal to the agency on December 21, 2001. All documents relating to the GM application and appeal are contained in the associated docket, NHTSA-2000-7657.

GM determined that the noncompliance existed in some 1998-1999 model year GM and Isuzu light trucks equipped with Retained Accessory Power (RAP), a convenience feature designed to allow operation of electrical accessories such as the radio and power windows during a timed interval immediately following ignition key removal and that is turned off by the opening of one of the front doors. In those vehicles, manipulation of the hazard flasher switch had the potential to inadvertently activate the RAP of a parked car without the key. This condition failed to meet the requirements of paragraph S4 of FMVSS No. 118 because it was possible for the power windows and sunroofs of the affected vehicles to be enabled without any use of the ignition key.

FMVSS No. 118 sets limits on how and when power windows and sunroofs can be enabled, mainly by requiring the ignition key for their operation. The requirements in the standard are intended to ensure that a person in possession of the ignition key (presumably an adult) is present to supervise occupants, especially children, who might be injured if they were free to operate power windows and sunroofs without supervision.

In its original application for inconsequential noncompliance, GM reasoned that a series of specific,

unlikely events all would have to occur before an opportunity for injury from a power window or sunroof could exist in the affected vehicles. To wit, a child or children would have to be left unattended and unrestrained within the vehicle; the child or children would have to manipulate the hazard flasher switch on the top of the steering column in the requisite manner (which in some switches would require considerable bottoming force on the switch and/or considerable side force, in order for RAP activation to occur), or the service brake pedal would have to be pressed in conjunction with pressing on the hazard flasher switch (although in some vehicles, no amount of force on the switch would activate RAP); and the child or children would then have to operate a power window or sunroof in such a way as to be injured by it prior to opening a door (which deactivates the RAP), or before twenty minutes had elapsed from the time of initial RAP activation (the maximum time that RAP remains active), and also before a parent or other adult returned. GM presented data and arguments to support the unlikely nature of these events, and concluded that the overall likelihood of an injury occurring as a result of the noncompliance was exceedingly small.

NHTSA initially denied the GM application as discussed in the preceding **Federal Register** notice in this docket. On December 21, 2001, GM appealed NHTSA's denial. In its appeal, GM requested that NHTSA reconsider for a number of reasons. One reason GM stated was that the denial was inconsistent with the agency's prior decisions. Another reason used by GM was that, by the time it filed the appeal, an additional 19 months had elapsed, representing 1.5 million vehicle years, since it had first discovered the noncompliance, and no related incidents had been reported. The additional elapsed time brought the total vehicle-years that the noncomplying vehicles had been in the field without incident to 2.8 million.

A subsequent comment filed in the docket by Delphi Corporation, which manufactured the hazard flasher switches in the affected GM vehicles, cited a NHTSA final rule from May 5, 1983, in which the agency amended FMVSS No. 118 to permit the use of the RAP feature in motor vehicles. In that notice, the agency acknowledged the possibility that under rare circumstances power windows might be operational as a result of the RAP feature without the driver being present in the vehicle. At the same time, the agency also recognized that similar possibilities existed whether RAP was

permitted or not. The agency stated the following:

While there is a possibility under the new option for power windows to be operational without the driver being present in the vehicle, that possibility could arise only in rare circumstances. Further, similar possibilities exist under one of the existing options [in section S4 of FMVSS No. 118.] For example, under the new [RAP] option, a driver could get out of a vehicle, leaving the engine running, and close the door. The windows would still be operational. Then, if the driver's window were open so that he or she could reach through the open window instead of opening the door to shut the engine off, the windows would continue to be operational. Similarly, under one of the current options, power windows would be operable in the same circumstances, at least until the driver reached into the vehicle and shut off the engine.

In other words, the agency recognized that the safety measures in the standard could not prevent power windows from being enabled in all instances in which a driver or adult passenger might not be present.

After further consideration, we believe that the conditions under which RAP may be activated in the subject noncomplying GM vehicles are highly unlikely to occur and are similar to the unlikely circumstances contemplated in the final rule permitting the use of the RAP feature. We believe that it is, in fact, at least as unlikely for inadvertent RAP activation to occur in the subject noncomplying GM vehicles as it would be for RAP to be activated in a fully complying vehicle without a driver present in circumstances such as those discussed in the 1983 final rule. Furthermore, the fact the agency knowingly permitted those slight safety issues in the 1983 final rule establishes that the agency believed such issues are inconsequential. The safety issue in the noncomplying GM vehicles, being similar to the ones acknowledged in 1983, is therefore also inconsequential.

In granting this GM petition, the agency is in no way de-emphasizing the importance of the safety provisions in FMVSS No. 118. On the contrary, the agency maintains active involvement in issues relating to power window safety and has recently undertaken a study to determine the extent of non-crash motor vehicle events, especially those involving children, which result in injuries and fatalities due to motor vehicle power windows.

For the reasons expressed above, the agency has reconsidered its previous decision to deny the GM petition, published in the **Federal Register** on October 3, 2001 (66 FR 50496). Accordingly, GM's application is granted and the applicant is exempted

from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance as required by 49 U.S.C. 30120.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 19, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 02-10182 Filed 4-24-02; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34180]

#### Soo Line Railroad Company— Trackage Rights Exemption—I&M Rail Link, LLC

I&M Rail Link, LLC (I&M) has agreed to grant overhead and local trackage rights to Soo Line Railroad Company d/b/a Canadian Pacific Railway Company (CPR) over its lines located in Illinois, Iowa and Missouri as follows: between River Junction (milepost 159.0) and the I&M/Kansas City Southern Railway Joint Agency Yard, Kansas City, MO (milepost 498.8), via Marquette, Sabula, Davenport and Ottumwa, IA, and Chillicothe, MO, with access to all connections at Kansas City; and between Pingree Grove, IL (milepost 40.26), and Sabula, IA (milepost 140.8), the latter being the point of intersection between the aforementioned routes; and direct access to Ipsco Steel, Inc.'s (Ipsco) steel mill at Montpelier, IA (milepost 206.6).<sup>1</sup>

The transaction was scheduled to be consummated on or shortly after April 12, 2002.

The purpose of the trackage rights is to allow CPR to serve the Ipsco facility in Montpelier under the terms of a transportation agreement entered into by CPR, I&M and Ipsco.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or

<sup>1</sup> A redacted version of the trackage rights agreement between I&M and CPR was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. A protective order was served in this proceeding on April 18, 2002.

misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34180, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Diane P. Gerth, LEONARD, STREET AND DEINARD PROFESSIONAL ASSOCIATION, 150 South Fifth Street, Minneapolis, MN 55402.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: April 18, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-10028 Filed 4-24-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

April 18, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before May 28, 2002 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1.

*Regulation Project Number:* REG-209106-89 (formerly EE-84-89) NPRM.

*Type of Review:* Extension.

*Title:* Changes With Respect to Prizes and Awards and Employee Achievement Awards.

*Description:* This regulation requires recipients of prizes and awards to maintain records to determine whether a qualifying designation has been made. The affected public are prize and award