docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: September 19, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–24515 Filed 9–24–96; 8:45 am]

BILLING CODE 4910–59–P

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. § 30162 for the agency to commence a proceeding to determine the existence of a defect related to motor vehicle safety.

On February 28, 1996, Mr. R.A. Whitfield of Crownsville, Maryland, submitted a petition asking NHTSA to determine whether the Suzuki Samurai 4x4 convertible sport utility vehicle contains a safety-related defect. The petition describes the alleged defect in this vehicle as a particular vulnerability to untripped or ''friction'' rollovers that do not require tripping of the vehicle (e.g. from an impact between the wheels and a curb) to initiate the roll, but instead occur in tight turns or crash avoidance maneuvers and result from the lateral drag of friction generated by the tires and the roadway surface. The petitioner attributed this untripped rollover vulnerability to what he characterized as the vehicle's very low roll stability and light weight, as well as to the high ratio of the occupants' mass to the vehicle mass, especially when the Samurai is loaded with passengers. Additionally, the petitioner asked NHTSA to determine whether the vehicle can safely carry passengers up to its claimed gross vehicle weight rating.

In 1988, the agency investigated the alleged rollover propensity of the Suzuki Samurai and two variants of this vehicle, the SJ410 and LJ80, in response to two petitions (DP88–011 and DP88–019). In the course of this investigation, NHTSA conducted its own vehicle testing and analyzed a large body of data, including accident and test data of these and other vehicles. However, NHTSA did not decide that the Samurai vehicles contained a safety-related defect, largely because the information available did not show that the rollover accidents were caused by a defect in the vehicle rather than by driver and/or environmental factors.

This petition did not provide any significant new evidence that bears on the issue of whether a safety-related defect exists in the Samurai. The only ''new'' information presented in the petition was the allegation that the Samurai 4x4 convertible sport utility vehicles cannot safely carry the number of occupants for which it has seats without affecting its propensity to roll over in a fatal crash.

The petitioner asserted that the cause of the subject vehicle's apparent disproportionate involvement in single-vehicle rollover-initiated fatal crashes is the very low roll stability and the high ratio of the occupants' mass to the vehicle mass, especially when the Samurai is loaded with passengers. This conclusion relies heavily on a statistical regression analysis which shows that the Suzuki Samurai 4x4 convertible has a higher percentage of identified friction rollovers in fatal, single-vehicle crashes as the number of its occupants increases. The petitioner further concluded that additional control variables such as roadway speed limit, driver age, and pavement condition are not statistically significant.

Contrary to the petitioner's analysis, the Samurai has a track width to center of gravity ratio higher than that of most other light sports utility vehicles. This ratio has been demonstrated to have a fundamental effect on the rollover propensity of vehicles.

Those vehicles with higher ratios tend to have lower rollover propensity. There is also evidence that the subject vehicle has a lower sensitivity to mass ratio than many other sport utility vehicles. Vehicles with a higher sensitivity to mass ratio demonstrate an increased propensity for rollover with the addition of mass that raises their center of gravity.

Based on a statistical analysis, the petitioner stated that more than 5,000 persons were occupants in Suzuki Samurai light utility vehicles that rolled over in single-vehicle crashes during 1988–1993 and more than 1,700 of these occupants were injured. He also stated that 46 percent of all Suzuki Samurai crashes in 1992–1993 were untripped rollover crashes. These are not actual numbers but estimates based on a very small sample size, which neglect many unknown variables, especially the driver and environmental factors. Moreover, one must always exercise great caution in the use of public reported accident statistics in evaluating alleged defects, such as that addressed in this petition. These statistics are heavily influenced by driver and environmental causes that tend to obscure vehicle causes. The petitioner's regression analysis does not overcome this difficulty. In fact, previous investigations demonstrate that many of the rollovers which have occurred appear to have involved adverse driver and environmental factors such as high risk driving maneuvers, drinking, ambient light, vehicle/road familiarity, etc.

Although the rollover crash involvement rate of the Samurai is no worse than that of most other light utility vehicles, it is significantly higher than most passenger vehicles. In a notice of the denial of a petition for rulemaking (52 FR 49037, December 29, 1987), NHTSA stated that while the agency recognized the existence of a higher rollover rate in light utility vehicles, there was no basis for proceeding with rulemaking based on stability factors alone because of the importance of other vehicle factors, the lack of predictiveness of the stability factor for vehicle rollover involvement, and statutory limitations that may preclude standards that have the effect of eliminating classes of motor vehicles. Similarly, the stability factor distinction does not appear to be an appropriate basis on which to conduct a defect investigation analysis.

After reviewing the petition and its supporting materials, as well as information furnished by Suzuki and within the agency—s possession from previous rulemaking proceedings and other actions, NHTSA has concluded that further investigation of the Suzuki Samurai—s rollover propensity is not likely to lead to a decision that the vehicle contains a safety-related defect and that a further commitment of agency resources on this matter is not warranted. The agency has accordingly denied the petition.

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

Issued on: September 19, 1996.

Michael B. Brownlee,

Associate Administrator for Safety Assurance.

[FR Doc. 96–24574 Filed 9–24–96; 8:45 am]

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Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (96–4)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.