

thus reducing the load on the engine. However, these fans may be susceptible to fatigue failure of the blade from blade flexing and/or various stresses induced by certain engine applications.

Since the mid-seventies, NHTSA has investigated failures of flex fans on several occasions. The largest investigation, Office of Defects Investigation (ODI) case C7-24, involved Ford Motor Company (Ford) vehicles and resulted in ten safety recalls by Ford. American Motors also conducted a safety recall as a result of this case. A review of the ODI files reveals there have been two investigations, Engineering Analyses (EA8-013 and E81-011), and two Defect Petitions (DP85-022 and DP86-03), specific to flex fan failures in General Motors (GM) vehicles. The investigations were closed and the petitions were denied based on evidence showing a low failure rate for the fans involved. EA8-013 and DP86-03 were conducted on the subject fan. This fan was used on approximately 2.6 million vehicles that were produced without air conditioning and with heavy duty cooling systems. The model years and models in which the fans were used are 1973 through 1979 Chevrolet and GMC C/K 10, 20, and 30 series light duty trucks and the 1975 Chevrolet and GMC "G" van (subject vehicles).

Since February 24, 1986, when DP86-03 was closed, there have been 49 incidents of alleged failure in the subject fan. These incidents occurred between May 1986 and March 1996. Reports on all of these incidents were provided by the petitioner and GM. There are no reports of blade separation in the subject fan in the ODI database, which contains records received after January 1, 1981. The estimated registered vehicle population of the subject vehicles for calendar years 1986 through 1996 is 16.4 million, yielding a very low failure rate of .29 per one hundred thousand vehicle years of exposure.

The subject vehicles are very old and range in age from 17 to 23 years. Vehicle maintenance history and any damage to the fan from collision accidents must also be considered when analyzing the alleged failures. However, because this information is unavailable, an evaluation of the number of reported incidents attributable to such factors cannot be made.

After reviewing the petition and its supporting materials, as well as information furnished by GM and information within the agency's possession from previous investigations and other related actions, NHTSA has concluded that further investigation of

the subject vehicles concerning the alleged fan failure is not likely to lead to a decision that the vehicles contain a safety defect. This is primarily based on the very large number of exposure years and the very low failure rate. Further commitment of agency resources to this matter is not warranted. The agency has accordingly denied the petition.

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

Issued on: December 9, 1996.

Michael B. Brownlee,
Associate Administrator for Safety Assurance.

[FR Doc. 96-31584 Filed 12-11-96; 8:45 am]

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Surface Transportation Board

[STB Ex Parte No. 558]

Railroad Cost of Capital—1996

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of decision instituting a proceeding to determine the railroads' 1996 cost of capital.

SUMMARY: The Board is instituting a proceeding to determine the railroad industry's cost of capital for 1996. The decision solicits comments on: (1) The railroads' 1996 cost of debt capital; (2) the railroads' 1996 current cost of preferred stock equity capital; (3) the railroads' 1996 cost of common stock equity capital; and (4) the 1996 capital structure mix of the railroad industry on a market value basis.

DATES: Notices of intent to participate are due no later than December 30, 1996. A service list will then be prepared and issued by January 14, 1997. Statements of the railroads are due by March 14, 1997. Statements of other interested persons are due by April 11, 1997. Rebuttal statements by the railroads are due by April 25, 1997.

ADDRESSES: Send an original and 10 copies of statements and an original and 1 copy of the notice of intent to participate to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 927-6171. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Surface Transportation Board,

1201 Constitution Avenue, N.W., Room 2215, Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10704(a).

Decided: December 2, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96-31540 Filed 12-11-96; 8:45 am]

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[STB Finance Docket No. 33299]

Fillmore Western Railway Company; Acquisition and Operation Exemption; Burlington Northern Railroad Company

Fillmore Western Railway Company (FWRY) has filed a verified notice of exemption under 49 CFR 1150.31: (1) To acquire and operate approximately 63.5 miles of rail line; and (2) to acquire incidental trackage rights over approximately 1 mile of rail line, a total of approximately 64.5 miles of rail line owned by the Burlington Northern Railroad Company and located in the State of Nebraska.¹ The proposed transaction was to be consummated not sooner than November 25, 1996, the effective date of the exemption.

The lines involved in the acquisition are described as follows: Fairmont, Nebraska-Milligan, between milepost 8.1 and milepost 23.0; Fairmont, Nebraska-Bruning, between milepost 1.7 and milepost 24.5; East Strang Junction, Nebraska-Tobias, Nebraska-Daykin, between milepost 17.9 at East Strang Junction and milepost 23.2/28.4 at Tobias, and on to milepost 36.2 at Daykin; and, West Strang Junction, Nebraska-Shickley, between milepost 37.5 and milepost 45.0.

The incidental trackage rights to be acquired are over a segment of track at Fairmont between milepost 112.8 and milepost 113.8.

If the notice contains false or 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.

¹ FWRY has confirmed that the total route miles being acquired is 64.5 miles (rather than 65.8 miles).