

headlamps reflector area. This is the case but the marking does not appear at the correct location. We [Hella] do not see any violation of highway safety because the bulb and socket system have indexing features that prevent a misuse or wrong insertion into a headlamp where the bulb is not designed to be used for. So, only some kind of irritation may occur whenever a bulb has to [be] replaced. Another important aspect will be that the relevant vehicles are not sold to a random experienced motorist but only to professionals and the service of the bus will also be done by an experienced staff.

VAN HOOL's representative in the U.S.A.: Distributor, ABC Coach Inc., 7469 West Highway, Winter Garden, FL 32787 USA, will be informed about this case. The total number of buses involved will be 300 within the next two years.

In November 1996 and December 1996 each two vehicles are already delivered. The next scheduled delivery will be in April 1997 (13 buses).

Remedy action: A warning label on the back of the headlamp housing near the bulbs indicates the correct bulb type designation to be used. (A retooling or labeling of the lens with the proper markings will cause the headlamp photometry to fail in terms of photometric performance.)

Discussion and Decision

The National Highway Traffic Safety Administration (NHTSA) concurs with the Hella statements that the HB3 and HB4 bulb socket systems have indexing features (a key system) that prevent a misuse or wrong bulb insertion into a headlamp where the bulb is not designed to be used in that specific headlamp, i.e., a HB3 bulb can not be inserted into a headlamp designed to accept a HB4 bulb and vice versa. Hella stated that it would implement a remedy action of a warning label on the back of the headlamp housing near the bulb indicating the correct bulb type designation to be used as a replacement. NHTSA believes that this labeling will be useful in ameliorating the lack of proper marking on the face of the headlamp lens, so that information regarding the correct replacement bulb is clearly available to an individual wishing to replace the bulb. Additionally, Hella has stated in its letter of application that the vehicles that are equipped with the mislabeled bulbs will not be sold to the general public, but to a professional service with an experienced staff. The implication of this statement is that the experienced staff would better understand that the bulbs were mislabeled.

As a result of the action being taken by Hella, and because of the bulb and socket key design, NHTSA has concluded that Hella has met its burden of persuasion that the noncompliance herein described is inconsequential to

motor vehicle safety. Consequently, NHTSA is granting the application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120.

It should be noted that the agency's authority under the inconsequentiality provisions is limited to providing relief from the obligation to notify and remedy noncompliance for items already sold to customers. Accordingly, further sale or distribution of such headlamps as Hella has determined do not conform to FMVSS No. 108, whether by Hella or its distributors, would be a violation of 49 U.S.C. 30112(a), and render the violators liable for civil penalties. In its letter of application for an inconsequential noncompliance to the agency Hella stated that in November 1996 and December 1996 two vehicles each, with the mislabeled headlamps were delivered to their customer. Hella further stated that the next delivery was scheduled for April 1997 (13 buses). The total number of buses equipped with the subject bulbs will be 300 within the next two years. NHTSA, in an April 1997 letter to VAN HOOL buses, Hella, and other appropriate parties, advised that the Hella application for inconsequential noncompliance is applicable only to the four buses mentioned in its letter of application, delivered before the filing of Hella's application.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 29, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33446]

City of Anacortes—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

The City of Anacortes (City),¹ a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from The Burlington Northern and Santa Fe Railway Company and to operate approximately 3.98 miles of rail line known as the Anacortes Branch from its endpoint at milepost 0.0, in

Anacortes, to milepost 3.98, near Fidalgo, in Skagit County, WA.

The transaction was scheduled to be consummated on or after the August 20, 1997 effective date of the exemption.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33446, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Charles H. Montange, 426 NW 162d Street, Seattle, WA 98177.

Decided: August 28, 1997.

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

Vernon A. Williams,
Secretary.

[FR Doc. 97-23461 Filed 9-4-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33450]

Wisconsin & Southern Railroad Co.—Corporate Family Transaction Exemption—Wisconsin and Calumet Railroad Company

Wisconsin & Southern Railroad Co. (WSOR) and Wisconsin and Calumet Railroad Company (WICT),¹ Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of WICT into WSOR.

The transaction is expected to be consummated on or about September 1, 1997.

The proposed merger is intended to enhance operating economies, improve service, foster greater operating efficiency, simplify the corporate structure, unify accounting and billing, and improve the financial viability of the surviving corporation.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction

¹ City is a political subdivision of the State of Washington.

¹ WSOR and WICT are commonly-controlled by William E. Gardner. WSOR operates in the State of Wisconsin, and WICT operates in the States of Wisconsin and Illinois.