U.S.C. § 30120, GM has petitioned the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential as it relates to motor vehicle safety. GM submitted a noncompliance notification to the agency pursuant to 49 CFR part 573, ''Defects and Noncompliance Reports.''

A notice of receipt of the application was published in the **Federal Register** (63 FR 33433) on June 18, 1998. Opportunity was afforded for comments until July 20, 1998. No comments were received.

Between August 1996 and June 1997, the petitioner produced 624 model year 1997 EV1 electric cars that have CHMSLs that fail to meet all the requirements mandated by FMVSS No. 108. GM claimed that only 290 of these vehicles are in the field and outside of GM's control. The other vehicles are within GM's control and GM states they will be remedied before delivery to retail customers.

Specifically, Figure 10—Photometric Requirements of Center High-Mounted Stop Lamps, of FMVSS No. 108 lists the photometric requirements for CHMSLs. GM states that the EV1 CHMSL by itself meets these requirements. GM states however that, when the CHMSL is installed on the vehicle, the blackout paint on the rear window may obscure a portion of the CHMSL's photometric output. GM states that if the worst case build condition were present on a vehicle, blackout paint would obscure the portion of the CHMSL corresponding to the 5D (5 degrees below horizontal on the vertical centerline of the lamp) photometric requirement .

The petitioner believed that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The EV1 sits low to the ground, so light provided by the CHMSL is visible to drivers of other vehicles, even with the bottom of the CHMSL obscured. The specified range of photometric output for a CHMSL, from 10U to 5D, was developed from SAE J186a and is presumably intended to allow manufacturers latitude in locating CHMSLs for the myriad of vehicle designs, while assuring sufficient signal light to drivers of following vehicles. Because the EV1 CHMSL is so low to the ground, the 5D angle is far less significant to following drivers than it would be if mounted higher.

2. A perceived benefit of the CHMSL is the ability it provides following drivers to see through intervening vehicles. Because the EV1 and its CHMSL are low to the ground, a following driver's ability to see the CHMSL through intervening vehicles is not compromised by the lost light at the lower portion of the CHMSL.

3. To reduce aerodynamic drag, the EV1 was designed to be extremely narrow. As a consequence of its narrow profile, the stop lamps are in close proximity to the CHMSL (510 mm from the center of the brake lamp to the center of the CHMSL). This minimizes the effect of the obscured portion of the CHMSL.

4. Except for 5D, the EV1 CHMSL meets all other requirements of FMVSS No. 108, and the photometric output of the stop lamps, which are supplemented by the CHMSL, far exceed the FMVSS No. 108 minimum requirements.

5. GM is not aware of any accidents, injuries, owner complaints or field reports related to this issue.

Additionally GM provided two figures as part of its petition (available in the public docket) that illustrate rear brake light visibility to following vehicle drivers to support its claims for inconsequentiality.

Only 290 EV1 vehicles in the field were affected, with the others being brought into compliance, and only in limited conditions could a CHMSL problem be perceived by a driver of a following vehicle. In addition, the stop lamps on these vehicles far exceed the minimum photometric performance levels for stop lamps the agency does not deem this specific noncompliance to have a consequential effect on safety.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it described above is inconsequential to motor vehicle safety. Accordingly, its application is granted, and the applicant is exempt from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and the remedy that is required by 49 CFR 30120.

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

Issued December 14, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–33546 Filed 12–17–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20913]

Peter Pan Bus Lines, Inc.—Pooling—Greyhound Lines, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice tentatively approving an amendment to a pooling agreement.

SUMMARY: The Board tentatively approves an amendment to the previously approved operations pooling agreement between Peter Pan Bus Lines, Inc. (Peter Pan), of Springfield, MA, and Greyhound Lines, Inc. (Greyhound), of Dallas, TX (collectively, applicants), involving their routes between Albany, NY, and Boston, MA. If no opposing comments are timely filed, this notice will be the final Board action. If opposing comments are timely filed, this tentative approval will be deemed vacated, and the Board will consider the comments and any replies and will issue a further decision on the amendments.

DATES: Comments are due by January 7, 1999, and, if comments are filed, applicants' reply is due by January 19, 1999.

ADDRESSES: Send an original and 10 copies of comments referring to STB No. MC–F–20913 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representatives: Jeremy Kahn, Suite 810, 1730 Rhode Island Avenue, N.W., Washington, DC 20036; and Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, N.W., Washington, DC 20005–3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: This pooling agreement was approved, as originally proposed, by decision served July 8, 1998, covering motor passenger and express operations between Albany and Boston. Applicants have filed a petition to modify the terms of the agreement with respect to when authorized service pursuant to this agreement will commence and to specify that Greyhound shall operate those schedules operating between Boston and Albany with intermediate service at Newton and Worcester, MA, while Peter Pan shall operate those schedules operating between Springfield and Albany with

intermediate service at Lee, Lenox, and Pittsfield, MA.

We have reviewed the proposed amendment and will approve the requested modifications. While it appears that these modifications will continue to foster improved service and economy of operation, it does not appear that either of the modifications would unreasonably restrain competition in the affected transportation market or within the affected service area to any material extent. Accordingly, we will tentatively approve the amendment pending the filing of comments as discussed above.

Copies of the petition to amend the pooling agreement may be obtained free of charge by contacting applicants' representatives.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed amendment to this pooling agreement is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on January 7, 1999, unless timely opposing comments are filed.

4. A copy of this decision will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: December 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–33461 Filed 12–17–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. MC–F–20904, MC–F–20908, and MC–F–20912] [1]

Peter Pan Bus Lines, Inc.—Pooling—Greyhound Lines, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice tentatively approving amendments to pooling agreements.

SUMMARY: The Board tentatively approves certain minor and conforming amendments to previously approved operations and revenue pooling agreements between Peter Pan Bus Lines, Inc. (Peter Pan), of Springfield, MA, and Greyhound Lines, Inc. (Greyhound), of Dallas, TX (collectively, applicants), involving routes between New York, NY, and Philadelphia, PA, Washington, DC, Boston and Springfield, MA. If no opposing comments are timely filed, this notice will be the final Board action. If opposing comments are timely filed, this tentative approval will be deemed vacated, and the Board will consider the comments and any replies and will issue a further decision on the amendments.

DATES: Comments are due by January 7, 1999, and, if comments are filed, applicants' reply is due by January 19, 1999.

ADDRESSES: Send an original and 10 copies of comments referring to STB Docket No. MC–F–20904 *et al.* to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representatives: Jeremy Kahn, Suite 810, 1730 Rhode Island Avenue, NW, Washington, DC 20036; and Fritz R. Kahn, Suite 750 West, 1100 New York Avenue, NW, Washington, DC 20005–3934.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. (TDD for the hearing impaired: (202) 565–1695.)

SUPPLEMENTARY INFORMATION: The pooling agreements originally proposed were approved by separate decisions in these proceedings, served June 30, 1997, in STB Docket No. MC–F–20904, April 29, 1998, in STB Docket No. MC–F–20908,[2] and February 12, 1998, in STB Docket No. MC–F–20912. The agreements cover separate, but connecting, routes, respectively, between New York City and Philadelphia, Washington, DC, and Boston and Springfield.

The terms of these agreements differed somewhat, and in preparation for implementation of the three agreements, applicants have filed a petition to modify the terms of the agreements, both so as to conform the language of the earlier agreements to the approved language of the later ones, and to make certain minor modifications, in order to ensure that the three agreements are consistent with one another.

The subject matters of the amendments include: Points of sale of tickets; treatment of shortfalls in operating mileage; processing of baggage and express claims; placement of signs at bus stations and terminals; deductions of fees and charges from the pooled revenues; apportionment of package express revenues; terminal costs; implementation dates; elimination of Greyhound's right of first refusal to acquire the stock of Peter Pan; sharing of advertising expenses; and remedies for default. While it appears that these amendments will continue to foster improved service and economy of operation, it does not appear that any of these subjects will have any significant effect upon competition in the affected transportation markets, and, accordingly, we find nothing to suggest that these amendments would restrain competition within the affected service areas. Accordingly, we will tentatively approve the amendments pending the filing of comments as discussed above.

Copies of the petition to amend the pooling agreements may be obtained free of charge by contacting applicants' representatives.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed amendments to these pooling agreements are approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on January 7, 1999, unless timely opposing comments are filed.

4. A copy of this decision will be served on the Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20530.

Decided: December 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–33464 Filed 12–17–98; 8:45 am]

BILLING CODE 4910–00–P

[1] These proceedings are not consolidated. A single decision is being issued for administrative convenience.

[2] Approval of this agreement was conditioned upon applicants' submitting to the Board and serving on the U.S. Department of Justice, Antitrust Division, at 6-month intervals for 3 years, data on the fares charged by Peter Pan and Greyhound for passenger service between New York City and Washington, DC. The action in this decision makes no change in this condition, and it remains in full force and effect, as originally imposed.