

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-99-5461; Notice 1]

**General Motors Corporation; Application for Determination of Inconsequential Noncompliance With Federal Motor Vehicle Safety Standard 108—Lamps, Reflective Devices and Associated Equipment**

General Motors Corporation (GM) determined that some of the GM 1997 EV1 electric passenger cars fail to meet the turn signal requirements found in Federal Motor Vehicle Safety Standard (FMVSS) No. 108—Lamps, Reflective Devices and Associated Equipment. In accordance with 49 CFR 556.4(b)(6), GM submitted a 49 CFR Part 573.5 noncompliance notification to the agency. Pursuant to 49 U. S. C., sections 30118 and 30120, GM petitioned the National Highway Traffic Safety Administration (NHTSA) for a decision that the noncompliance is inconsequential to motor vehicle safety.

GM states that the EV1 is equipped with an electronic turn signal module that controls turn signal operation. A subset of the module population can be affected by random inputs that cause the internal timing of the electronic circuit to become un-synchronized. If this occurs, it can cause the left turn signal circuit on affected vehicles to operate improperly and not in compliance with FMVSS No. 108. The left front turn signal lamp may flash at a rapid rate while the left rear turn signal lamp illuminates but does not flash. These conditions can continue after the turn signal lever automatically returns to the off position, but stop if the driver manually cancels the turn signal or turns the car off. The right turn signal is not affected.

GM believes that this noncompliance is inconsequential to motor vehicle safety for these reasons:

- The potential for this condition is confined to a very small population of vehicles, 558.
- The condition is not found on every vehicle. Only a subset of vehicles are affected, based on the build variation of the turn signal module.
- GM knows of only eight customers who have reported the condition. The turn signal module in these vehicles has been replaced.
- While it has not been able to determine the exact percentage of affected vehicles (the anomaly is not readily repeatable in the laboratory, and the small production run has severely limited the number of parts available for

testing), the likelihood of experiencing the condition is extremely rare. The worst case part, found in laboratory testing, exhibited the anomaly 16 times in 40,000 cycles (0.0004 times per cycle). Other tested parts did not exhibit the condition as often, or at all.

- The left turn signal does not fail completely. An oncoming driver would see the front turn signal flashing at a rapid rate. A following driver would see the left turn signal lamp on, although it would not be flashing. Both of these results are similar to a vehicle that has a burned out turn signal lamp.
- Like a vehicle with a burned out lamp, a driver experiencing this condition is alerted that the turn signal system is not functioning properly because the turn signal indicator light does not flash.
- A turn signal with this condition does not self-cancel, but it can easily be canceled manually.
- GM knows of no accidents or injuries associated with this condition.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401 Seventh Street, SW, Washington, DC 20590. It is requested but not required that two copies be submitted. Docket hours are 10:00 a.m. to 5:00 p.m.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extend possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 28, 1999.  
(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 21, 1999.

**L. Robert Shelton,**  
Associate Administrator for Safety Performance Standards.

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**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Finance Docket No. 33737]

**Rio Grande Pacific Corporation—Continuance in Control Exemption—New Orleans & Gulf Coast Railway Company**

Rio Grande Pacific Corporation (Rio Grande), a noncarrier, has filed a verified notice of exemption to continue in control of New Orleans & Gulf Coast Railway Company (NOGC), upon its becoming a Class III rail carrier.

The transaction was scheduled to be consummated on or shortly after April 15, 1999.

This transaction is related to STB Finance Docket No. 33736, *New Orleans & Gulf Coast Railway Company—Acquisition Exemption—New Orleans Lower Coast Railroad Company, Inc.*, wherein NOGC seeks to acquire rail lines from New Orleans Lower Coast Railroad Company, Inc. (NOLR).

In addition to NOGC,<sup>1</sup> Rio Grande controls three Class III rail carriers. These carriers are Idaho Northern & Pacific Railroad Company, operating in the states of Idaho and Oregon, Nebraska Central Railroad Company, operating in the state of Nebraska, and Wichita, Tillman & Jackson Railway Company, Inc., operating in the states of Texas and Oklahoma.

Rio Grande states that: (i) the rail lines operated by NOGC do not connect with any railroad in the corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect NOGC's lines with any railroad in the corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption

<sup>1</sup> NOGC is a noncarrier corporation formed for the purpose of acquiring 23.688 miles of rail line from NOLR. NOGC will be the exclusive operator of the line.