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Issued in Washington, D.C., on December 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Thrall Car Manufacturing Company (Waiver Petition Docket Number FRA-1999-6522)

Thrall Car Manufacturing Company (TCMC) seeks a permanent waiver of compliance from certain provisions of the Safety Appliance Standards, 49 CFR 231.27(g)(3), which requires that the end platform hand hold be located not less than 48 nor more than 60 inches above the end platform.

TCMC states that 3,199 covered hopper cars have been built with the hand holds located 45¼ inches above the end platform.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 1999-6522) and must be submitted to the DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is

taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at <http://dms.dot.gov>.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99-5210; Notice 2]

Ford Motor Co.; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Ford Motor Company (Ford) to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205, "Glazing Materials." Ford has filed an appropriate report pursuant to 49 CFR Part 573 "Defect and Noncompliance Reports." The basis of the grant is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published May 5, 1999, (64 FR 24215) affording an opportunity for comment. The comment closing date was June 4, 1999. No comments were received.

Paragraph S6 of FMVSS No. 205, "Certification and marking," requires that each piece of glazing material be marked as stated in Section 6 of the American National Standard Safety Code for "Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1977, January 26, 1977, as supplemented by Z26.1 a-1980, July 3, 1980 (ANSI Z26). This specifies ". . . immediately adjacent to the words "American National Standard" or the characters AS, each piece of safety glazing material shall further be marked in numerals at least 0.070 inch (1.78 mm) in height: if complying with the requirements of Section 4, Application of Tests, Item 1, with the numeral 1; . . ." To satisfy this section of ANSI Z26.1, the

windshields would normally bear the AS1 mark on the windshield adjacent to the Ford trademark; however, the mark was not applied to the windshields used in the noncomplying vehicles.

This petition concerns approximately 382,900 potentially noncomplying vehicles manufactured by Ford between June 11, 1997 and September 25, 1999. These vehicles included certain 1998 and 1999 Contour/Mystique, Econoline, Ranger models and approximately 8,400 Mazda B Series vehicles.

Ford supported its application for inconsequential noncompliance with the following:

Ford was not aware of any allegations of accidents or injuries related to this condition. Ford Visteon was notified by the one final stage manufacturer of the Econoline windshields with the missing AS1 mark. In our judgment, the condition is highly unlikely to present any risk of injury. Therefore, Ford intends to petition to the Administrator for exemption from the notification and remedy requirements of the Act on the basis that the condition is inconsequential as it relates to motor vehicle safety.

To avert any potential customer difficulty during vehicle inspections in states where glazing markings are checked during the inspection process, two actions are being taken by Ford. First, customers in those states will be mailed letters (to be presented to inspection authorities, if necessary) identifying the condition, and certifying that the windshields meet all other marking and performance requirements of Standard 205. The letter will also offer to apply the AS1 mark, of so requested by these customers. Second, letters will be sent to the appropriate state authorities providing an explanation of the condition, certification that the windshields fully meet all other marking requirements and all performance requirements of Standard 205, and a listing of vehicle VIN numbers of all affected vehicles registered in that state.

NHTSA has reviewed Ford's application and, for the reasons discussed below, concludes that the noncompliance of Ford's windshields is inconsequential as to motor vehicle safety. The affected windshields, while produced without the AS1 mark, contain all other markings required by FMVSS No. 205 and ANSI Z26.1, including the manufacturer's trademark, DOT number, and model number. The model number identifies the glazing material as laminated safety glass, AS1. In addition, the trademark includes the word "Laminated" and also includes an aftermarket National Auto Glass Specifications number that identifies the vehicles for which the windshields are designed. With the windshield markings provided, NHTSA believes that a vehicle owner is unlikely to encounter any problems obtaining the