

for consideration in the Blue Line Extension MIS:

1. *No-Build Alternative*—Existing and planned transit service and programmed new transportation facilities to the year 2020;

2. *TSM Alternative*—Changes in existing bus routes or new bus routes to provide better service and lower-cost transportation, roadway, and other improvements, such as bus prioritization at signalized intersections, and special bus lanes that would enhance the operation of the existing street and bus networks to help buses move faster.

3. *Light Rail Alternative*—Extension of the rail rapid transit Blue Line eastward from the existing Van Aken terminal station to the vicinity of I-271 via several alternative alignments using Chagrin Road or Northfield Road.

Based on public and agency input received during scoping, variations of the above alternatives and other transportation-related improvement options, both transit and non-transit, will be considered for the Blue Line Extension Corridor.

IV. Probable Effects

Issues and impacts to be considered during the study include potential changes to: the physical environment (air quality, noise, water quality, aesthetics, etc.); the social environment (land use, development, neighborhoods, etc.); parkland, cemeteries, and historic resources; transportation system performance; capital operating and maintenance costs; financial resources available and financial impact on the RTA. The entire Corridor is undergoing rapid development. The potential for Transit Oriented Development and the effect on existing public and private development agreements will be important. Vehicular/pedestrian circulation, parking and in-street operation of buses and streetcars are key considerations.

Evaluation criteria will include consideration of the local goals and objectives established for the study, measures of effectiveness identified during scoping, and criteria established by FTA for "New Start" transit projects.

Issued on: February 11, 2000.

Don Gismondi,

Deputy Regional Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2000-6857]

Intac Automotive Products, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Intac Automotive Products, Inc., (Intac) has determined that certain brake fluid containers manufactured by its supplier, Gold Eagle, are not in full compliance with 49 CFR 571.116, Federal Motor Vehicle Safety Standard (FMVSS) No. 116, "Motor vehicle brake fluids", and has filed appropriate reports pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Intac has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S5.2.2.2 of FMVSS No. 116 states that certain information, including a serial number identifying the packaged lot and date of packaging, shall be clearly marked on each brake fluid container or label permanently affixed to the container. Paragraph S5.2.2.2 further states that the information required on the container or container label, including the serial number identifying the packaged lot and date specified in S5.2.2.2(d), shall be legible after being subjected to the test procedures in S6.14. Container information. Paragraph S6.14 requires that each container be immersed in the same brake fluid contained therein for 15 minutes and dried within 5 minutes of removal of the container from the brake fluid.

Intac informed the agency that, on November 4, 1997, it manufactured approximately 9,000 containers of brake fluid which it shipped to Petrochemical, Inc., for Mazda. On April 6, 1999, Intac manufactured approximately 30,500 containers of brake fluid which it shipped to Nissan and, on August 12, 1999, it manufactured approximately 16,800 containers of brake fluid which it shipped to Petrochemical, Inc., for Subaru. Certain of these brake fluid containers were not in compliance with the requirements of S5.2.2.2(d) of FMVSS No. 116. That is, after removal from the brake fluid and drying when tested according to S6.14, the packaged

lot and date code information required in S5.2.2.2(d) was not visible on some of the labels. Intac believes this condition to be inconsequential as it relates to motor vehicle safety.

Intac supports its application for inconsequential noncompliance by stating that all the substantive safety warnings on the subject brake fluid container labels were legible after testing in accordance with S6.14. Intac stated that the purpose of the serial number identifying packaged lot and date of packaging is to facilitate determination of the extent of defective brake fluid should such be discovered. According to Intac, there is no serious risk to motor vehicle safety if the lot and date information is lost. If packaged lot and packaging date information were not visible on containers, the manufacturer would have to recall all such containers in addition to targeted containers with legible packaged lot and date information, if defective brake fluid were to be discovered or suspected.

Intac also stated that the brake fluid containers in question were distributed to motor vehicle dealerships and authorized repair facilities and it is unlikely that private consumers obtained these products through retail for personal use.

According to Intac, the dealerships and authorized repair facilities that received the brake fluid tend to consume the product quickly once the containers are opened. Therefore, there is little likelihood that the packaged lot and date information on the container label would become illegible through contact with brake fluid before the contents of a container is used. Intac claims that brake fluid containers from the noncompliant runs with legible packaged lot and date of packaging information would be available for reference if a defect in the brake fluid from these production runs were discovered or suspected.

Intac further stated that it was able to secure most of the noncompliant inventory after contacting Nissan and Petrochemical, so that a large quantity of the noncompliant brake fluid containers will be returned to Intac and the noncompliance can be remedied.

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: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC, 20590. It is requested that two copies be submitted.

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 extent 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: March 20, 2000.P='02'≤

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

Issued on: February 14, 2000.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6161; Notice 2]

Mercedes-Benz U.S.A., Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Mercedes-Benz U.S.A., Inc. (MBUSA) has determined that 1,482 of its 1999 model year vehicles were equipped with convex passenger-side mirrors that did not meet certain labeling requirements contained in Federal Motor Vehicle Safety Standard (FMVSS) No. 111, "Rearview Mirrors," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." MBUSA has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

A notice of receipt of the application was published in the **Federal Register** (64 FR 48892) on September 8, 1999. Opportunity was afforded for public comment until October 8, 1999. One comment was received from JCW Consulting (JCW) in favor of granting the application.

If a vehicle has a convex passenger-side mirror, paragraph S5.4.2 of FMVSS No. 111 requires that it have the words "Objects in Mirror Are Closer Than They Appear" permanently and

indelibly marked at the lower edge of the mirror's reflective surface.

From April 5 through April 9, 1999, MBUSA sold and/or distributed 1,482 C-Class, E-Class, and E-Class Wagons that contain a typographical error in the text of the warning label required in paragraph S5.4.2. The text on the subject vehicles' mirrors reads "Objects in Mirror Closer Than They Appear." The word "Are" is not clearly printed or visible.

MBUSA supports its application for inconsequential noncompliance with the following statements:P='04'≤

MBUSA does not believe that the foregoing noncompliance will impact motor vehicle safety for the following reasons. FMVSS 111 sets forth requirements for the performance and location of rearview mirrors to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear. Provisions regarding the use of a convex side view mirror were added by the National Highway Traffic Safety Administration (NHTSA or the Agency) in an 1982 rulemaking. 47 FR 38698 (1982). The final rule specifically allowed the use of convex passenger side outside mirrors. "Convex mirrors" are defined as "a mirror having a curved reflective surface whose shape is the same as that of the exterior surface of a section of a sphere." See *Id.* at 38700, codified at 49 CFR 571.111 S4. NHTSA determined that allowing the installation of a convex mirror on the passenger side of vehicles could confer a substantial safety benefit in that such mirrors tend to provide a wider field of vision than ordinary flat or plane mirrors. Such a view could be highly desirable in maneuvers such as moving to the right into an adjacent lane. *Id.* at 38699.

NHTSA also recognized, however, that there were inherent drawbacks to the use of convex mirrors as well. One of the more significant drawbacks was that images of an object viewed in a convex mirror tend to be smaller than those of the same object viewed in a plane mirror. Consequently, drivers used to plane mirrors may erroneously assume that vehicles situated immediately behind the driver and to the right may be further away than anticipated. Such an erroneous perception may cause the driver to move to the right and change lanes before it is actually safe to do so. In order to address this concern, and at the suggestion of several automobile manufacturers, NHTSA required that a warning be permanently etched into all convex passenger side view mirrors.

In the case of MBUSA's affected vehicles, the etched warning provides that "Objects in

Mirror Closer Than They Appear." The missing word "Are" is contrary to the exact wording of the warning required by FMVSS 111. The cause of this error was traced to a defective stencil used in the laser printer which etches the warnings onto mirrors. MBUSA believes that the stencil defect, which caused the laser printer to inadvertently leave the word "Are" from the warning, was caused by dirt or some other cosmetic flaw in the stencil. This situation apparently was not immediately noticed by MBUSA's supplier's quality control department.P='04'≤

In effect, MBUSA argued that the grammatical error does not alter or obscure the required message. Hence, MBUSA urged that this noncompliance be found inconsequential.

In the one public comment that was received, JCW states that "the buyer of a Mercedes vehicle tends to be a very informed and discerning automotive consumer" and it would be unlikely that he or she would be confused by such an omission in the label's wording.

We have reviewed the application and agree with Mercedes that the noncompliance is inconsequential to motor vehicle safety. The label still conveys the message intended by the standard, and, although grammatically incorrect, it is still easily understood. For this reason, it is unlikely that a driver will be confused by the missing word in the label.

In consideration of the foregoing, we do not deem this noncompliance to be a serious safety problem warranting notification and remedy. Accordingly, we have decided that the applicant has met its burden of persuasion that the noncompliance described above is inconsequential to motor vehicle safety. Therefore, its application is granted and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118 and from remedying the noncompliance as required by 49 U.S.C. 30120.P='04'≤

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

Issued on: February 14, 2000.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

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