Operating Certificate under 14 CFR part 139 to SWF Airport Acquisition, Inc.

Issued in Washington, DC on April 17, 2000.

David L. Bennett,

Director, Office of Airport Safety and Standards.

[FR Doc. 00–10219 Filed 4–24–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Supplemental Environmental Impact Statement on the Buffalo Inner Harbor Project, New York

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) is issuing this notice to advise the public and interested agencies that a Supplemental Environmental Impact Statement (SEIS) will be prepared by the FTA and the Niagara Frontier Transportation Authority (NFTA) on the Buffalo Inner Harbor Project. This Supplemental EIS is in response to a court order and is limited in scope to the issue of historic preservation. The SEIS will address events and information that became available subsequent to the final EIS (FEIS), which was issued February 12, 1999.

The Preservation Coalition filed a civil action on October 6, 1999, in the United States District Court for the Western District of New York under civil action number 99–CV–745S against FTA, NFTA, the New York State Thruway Authority, Empire State Development Corporation (ESDC), and the New York State Office of Parks, Recreation, and Historic Preservation. ESDC is the project sponsor. The Preservation Coalition challenged the Buffalo Inner Harbor Project on environmental and historic preservation grounds. On March 31, 2000, District Court Judge William M. Skretny ordered that a SEIS be prepared to consider the information learned during archaeological investigations conducted after the FEIS.

DATES: The court established a compressed timetable for completion of a draft and final SEIS. A draft SEIS will be prepared by May 10, 2000. Public comments will be solicited, and a public hearing will be held, on the SEIS between May 20, 2000, and May 31, 2000. A final SEIS will be prepared by June 30, 2000. FTA will issue a supplemental Record of Decision (ROD) by July 10, 2000.

ADDRESSES: Correspondence requesting notification of the availability of the draft SEIS and the public hearing date and location, or commenting on the draft SEIS should be addressed to Vito Sportelli, NFTA, 181 Ellicott Street; Buffalo, New York 14203.

FOR FURTHER INFORMATION CONTACT: Anthony G. Carr, FTA Region II, One Bowling Green, Room 429; New York, New York 10004. Telephone (212) 668–2170.

SUPPLEMENTARY INFORMATION: The Buffalo Inner Harbor Project involves reconfiguring a segment of the Buffalo Inner Harbor shoreline into three areas to accommodate a commercial harbor basin with three piers, a working canal slip and a naval vessel basin. The Project also involves intermodal transportation components, including the construction of a public esplanade to provide a continuous transportation link and public access to the waterfront, connection of existing pedestrian and bicycle path systems and provision of opportunities for private development.

The State Historic Preservation Officer (SHPO) opined in June 1998 that the Buffalo Inner Harbor Project would have no adverse effect on cultural resources in or eligible for inclusion on the National Register of Historic Places. SHPO also called for a Stage III archaeological excavation of the Commercial Slip. The Commercial Slip is a former slip that connected the Erie Canal with the Buffalo River. It was filled in 1926 and is presently used as a right-of-way for the Hamburg Drain. During the Stage III excavation remains of the Commercial Slip wall were discovered, and as a result, the SHPO determined in June 1999 that the Commercial Slip wall met the criteria for inclusion in the National Register, and subsequently, the SHPO determined that exposure and public display of the Commercial Slip wall is not feasible and that the wall should be covered over as a means of preservation.

The court ordered that the SEIS must address and discuss events that occurred and information that became available subsequent to the final EIS which will affect environmental issues in a significant manner or to a significant extent not already considered in the final EIS. Specifically, the SEIS will discuss: (a) Applicability of the ''archaeology exception'' to the Commercial Slip wall, and to other existing historic resources, if any, at the Inner Harbor Project site; (b) Whether the Commercial Slip wall must be buried in order to protect it from the elements; (c) Whether rehabilitation, restoration or reconfiguration of the Commercial Slip wall is a reasonable and prudent alternative to burying the wall; and (d) Whether any resources at the Inner Harbor project site, other than Commercial Slip, are eligible for inclusion in the National Register, either individually or collectively. The SEIS will also address and discuss whether proposals submitted by the Preservation Coalition, and/or by other entities or individuals for the rehabilitation, restoration or reconfiguration, and/or utilization of the Commercial Slip wall, in the plan for the Inner Harbor Project, are reasonable and prudent.

Issued on: April 20, 2000.

Letitia Thompson,

Regional Administrator, Federal Transit Administration, Region II.

[FR Doc. 00–10297 Filed 4–24–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000–7125, Notice 1]

General Motors Corp.; Receipt of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 ''Motor Vehicle Safety'' for a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, ''Seat Belt Assemblies,'' on the basis that the noncompliance is inconsequential to motor vehicle safety. GM has filed a report of a noncompliance pursuant to 49 CFR part 573 ''Defects and Noncompliance Reports.''

This notice of receipt of the 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.

Description of Noncompliance

GM has determined that the driver safety belt assembly in some GM S/T pickup trucks and sport utility vehicles does not meet the requirements of S4.3(j)(1) of FMVSS 209. The vehicles involved are model year 1999 and 2000 versions of the Chevrolet S–10 and GMC Sonoma pickups and the Chevrolet Blazer/Trail Blazer, GMC Jimmy/Envoy, and Oldsmobile Bravada utility vehicles. Some of these trucks were built with a driver safety belt emergency

locking retractor that will not meet the 0.7 g locking requirements of the standard.

GM requested exemption from the notice and remedy requirement of the 49 U.S.C. 30118(d) and 49 U.S.C. 30120(h), because it believes this noncompliance is inconsequential to motor vehicle safety.

S4.3(j)(1) of FMVSS No. 209 requires that an emergency locking retractor of a Type 1 or Type 2 safety belt assembly ''shall lock before the webbing extends 25 mm when the retractor is subjected to an acceleration of 7 m/s^2 (0.7 g).''

Some of the retractors in question exhibit, to a varying degree, plastic flash (burr) on the sensor lever near the pivot where it mates to the sensor housing. This flash can cause a nonconformance with the 0.7 g locking requirement due to potential increased drag of the sensor lever in the housing.

Supporting Information as Submitted by General Motors

GM reported the following analysis to support the petition.

GM and its safety belt supplier located retractors from the same build period (weeks 6–32 of 1999) as the subject retractors in order to perform testing to investigate this matter. A total of 1,392 retractors from this build period were obtained and tested. Of these, only 50 (3.5%) did not lock when tested in each of four directions at 0.6 g (the GM test specification level). Only 10 of those (0.72% of the 1,392 total) did not lock when tested 10 times in each of four directions at 0.7 g. Based on this testing, only a very small portion of the subject retractors is expected to not meet the 0.7 g requirement.

Additionally, GM compared the 0.7 g retractor locking requirement to (1) the onset of significant shoulder belt loading in S/T truck crash tests and (2) the calculated side-pull coefficient often used to help assess rollover propensity. These collision types represent circumstances where the safety belt certainly provides important safety benefits. The crash test analysis indicates retractor locking still occurs prior to any significant safety belt loading or motion of the occupant relative to the belt. The rollover analysis indicates that safety belt retractor lock-up will occur prior to rollover of these subject vehicles.

Finally, as a result of tests performed on the small quantity (10) of questionable retractors that were available, GM also has determined that the simulation of the jouncing and jostling that vehicles are subject to during transit to dealerships, either by rail or truck (haulaway), generally reduces the effect of the flash such that a large percentage of the noncompliant vehicles become compliant prior to transit completion. In the case of rail transit, we estimate noncompliant retractors to become compliant after four hours of transit. Almost all vehicles shipped by rail travel more than four hours. In the case of simulated haulaway transit, six of nine noncompliant retractors were compliant after three hours of transit (approximately 150 miles), and seven of nine were compliant after six hours of transit (approximately 300 miles). Approximately 90% of all S/T trucks shipped by haulaway travel more than three hours.

Accordingly, the already small number of potentially noncompliant retractors will be further reduced by the time they arrive at the dealership. For the reasons outlined above, GM believes that this noncompliance is inconsequential to motor vehicle safety. Accordingly GM petitions that it be exempt from the remedy and recall provision of the Motor Vehicle Safety Act in this case.

Interested persons are invited to submit written data, views and arguments on the petition of GM, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, National Highway Traffic Safety Administration, Room PL 401, 400 7th 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 practicable. When the application is granted or denied, a Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 25, 2000.

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

Issued on: April 19, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–10246 Filed 4–24–00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7164; Notice 1]

Suzuki Motor Corp.; Receipt of Application for Decision of Inconsequential Noncompliance

Suzuki Motor Corporation of Hamamatsu, Japan, has determined that 1,595 vehicles fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 225, ''Child Restraint Anchorage Systems,'' and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' Suzuki 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.

FMVSS No. 225, S4.1, requires that:

Each tether anchorage and each child restraint anchorage system installed, either voluntarily or pursuant to this standard, in any new vehicle manufactured on or after September 1, 1999, shall comply with the configuration, location, marking and strength requirements of this standard. The vehicle shall be delivered with written information, in English, on how to appropriately use those anchorages and systems.

FMVSS No. 225, S12, requires that:

The vehicle must provide written instructions, in English, for using the tether anchorages and the child restraint anchorage system in the vehicle. If the vehicle has an owner's manual, the instructions must be in that manual. The instructions shall:

(a) Indicate which seating positions in the vehicle are equipped with tether anchorages and child restraint anchorage systems;

(b) In the case of vehicles required to be marked as specified in paragraphs S4.1, S9.5(a), or S15.4, explain the meaning of markings provided to locate the lower anchorages of child restraint anchorage systems; and

(c) Include instructions that provide a step-by-step procedure, including diagrams, for properly attaching a child restraint system's tether strap to the tether anchorages.

At the start of production for the 2000 model year, Suzuki began installing user-ready tether anchorages as standard equipment in Suzuki Swift vehicles. Due to an oversight, however, Suzuki neglected to update the Suzuki Swift owner's manual in conjunction with this production change. As a result, the owner's manual for 1,595 Suzuki Swift vehicles manufactured between August 1999 and February 2000, and shipped prior to March 2000 do not comply with the information requirements in FMVSS No. 225.

Suzuki supports its application for inconsequential noncompliance with the following:

The vehicle owner's manual for the subject Suzuki Swift vehicles contains the following text relating to the use of child restraint systems that require use of a top tether:

''Some child restraint systems require the use of a top strap. If you use such a restraint system and your vehicle is not equipped with the top tether strap anchor bracket, have your dealer install the top strap anchor bracket, or contact your dealer for instructions on how to install the anchor bracket.''

In addition to the text message, the owner's manual contains two illustrations (one for the hatchback model and one for the sedan model) showing a child restraint system