

The reason given for the proposed changes is that the branch track that once served the Wye track has been abandoned, and is now only occasionally used to store cars and turn equipment.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, DC 20590-0001.

Communications received within 45 days of the date of this notice will be considered by the 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 DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590-0001. 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>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on March 26, 2001.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 01-8434 Filed 4-5-01; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2000-8201; Notice 2]

#### Subaru of America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Subaru of America, Inc. (Subaru) has determined that certain headlamp assemblies manufactured by North American Lighting, Inc., do not comply

with requirements contained in Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment," and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Subaru 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.

Notice of receipt of the application was published in the **Federal Register** (65 FR 66584) on November 6, 2000. Opportunity was afforded for public comment until December 6, 2000. No comments were received.

Paragraph S7.5(g) of FMVSS No. 108 states that "the lens of each replaceable bulb headlamp shall bear permanent marking in front of each replaceable light source with which it is equipped that states the HB Type."

Paragraph S7.8.5.3(f)(1) of FMVSS No. 108 states that the lens shall have "a mark or markings identifying the optical axis of the headlamp visible from the front of the headlamp when installed on the vehicle, to assure proper horizontal and vertical alignment of the aiming screen or optical aiming equipment with the headlamp being aimed."

Subaru installed approximately 87 headlamp lens assemblies on model year 2000 Subaru Legacy and Outback vehicles from October 5, 1999, through December 5, 1999, which were incorrectly marked. Lenses marked for two-bulb lamp assemblies were placed on one-bulb assemblies, while lenses marked for one-bulb lamp assemblies were placed on two-bulb assemblies.

Subaru supports its application for inconsequential noncompliance with the following statements:

Headlamp aiming performed during the manufacturing process does not rely on lens marking for beam pattern alignment. The result is proper alignment regardless of the mismatch in headlamp assembly lens.

The rate of replacement for headlamp bulbs within the 3/36 warranty period is 0.6 percent. The remaining parts demand for headlamp bulbs is due to collision which results in purchase and installation of new headlamp assemblies not containing the noncompliance.

Installation of replacement headlamp bulbs is outlined in the Service Manual for Subaru Legacy vehicles. The Service Manual procedure for alignment of the headlamp does not rely on the markings found in noncompliance, but rather references the center marking on the bulb.

Incorrect lens assembly installation results in the following light performance variations:

Two-bulb lens on one-bulb assembly: slight decrease in long range visibility, but within FMVSS performance requirements

One-bulb lens on two-bulb assembly: slight broadening of the beam pattern. Vertical alignment specification variation does not exceed 0.57 degrees plus/minus specified aiming.

There is a small possibility that consumers would purchase replacement bulbs for non-dealer installation based on the incorrect marking. However, the incorrect bulb will not install in the headlamp assembly irrespective of the incorrect marking. Additionally, the owner's manual provides the correct specification for replacement bulbs required.

Subaru also submitted data which show the difference in beam patterns of the four possible bulb combinations in the two lamp housings. The data are in the docket.

The petitioner states that the noncompliances will not result in any safety, reliability or serviceability concern for the operator of a subject motor vehicle.

We have reviewed the application and agree with Subaru that the noncompliance is inconsequential to motor vehicle safety. The lamps are fully compliant with the performance requirements of the standard regardless of which lens is used. Further, the bulbs for the one-bulb assembly cannot be used in the two-bulb assembly and vice versa. Therefore, even if a vehicle owner purchases a bulb based on the incorrect information given on the lens, it will not fit.

Regarding the marking of the optical axis for aiming, because headlamp aiming during the vehicle manufacturing process does not rely on this mark, the lamps will be correctly aimed when the vehicle is delivered for sale. Further, the service manual procedure for aim alignment does not rely on this mark. It references the center of the bulb. If the lamps are vertically aimed by consumers, Subaru states that there can be a 0.57 degree error, given the unintended vertical displacement of the lens' optical axis mark. If a person attempts to aim a subject headlamp using the incorrectly placed mark, the lamp will be aimed upward or downward by that angular amount, depending on which lamp and which lens is installed. Because field aiming is more often done using the Society of Automotive Engineers (SAE) recommended aiming tolerance of  $\pm 4$  inches at 25 feet (about 0.75 degree), the misaim caused by the incorrect location of the aiming mark on the lens should be within the recommended field aiming tolerance. As a result, there should be no consequence to safety.

In consideration of the foregoing, 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 30119 and from remedying the noncompliance as required by 49 U.S.C. 30120.

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

Issued on: April 3, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-8512 Filed 4-5-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-468 (Sub-No. 4X)]

#### **Paducah & Louisville Railway, Inc.— Abandonment Exemption—in Hopkins County, KY**

Paducah & Louisville Railway, Inc. (P&L) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a line of railroad between milepost 154.5, near St. Charles, and milepost 159.6, near Ilesley, a distance of approximately 5.1 miles in Hopkins County, KY (line). The line traverses United States Postal Service Zip Codes 42442 and 42453.

P&L has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over another parallel line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this

condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 8, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 16, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 26, 2001, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: William A. Mullins, Esq., Troutman Sanders LLP, 401 9th Street, NW., Suite 1000, Washington, DC 20004. If the verified notice contains false or misleading information, the exemption is void *ab initio*.

P&L has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 11, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), P&L shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by P&L's filing of a notice of consummation by April 6, 2002, and there are no legal or regulatory barriers to consummation,

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

the authority to abandon will automatically expire.

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

Decided: March 29, 2001.

By the Board, David M. Konschnick,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-8400 Filed 4-5-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### **Surety Companies Acceptable on Federal Bonds: Name Change— America Alliance Insurance Company**

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 14 to the Treasury Department Circular 570; 2000 Revision, published June 30, 2000, at 65 FR 40868.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874-6779.

**SUPPLEMENTARY INFORMATION:** American Alliance Insurance Company, an Ohio corporation, has formally changed its name to Great American Alliance Insurance Company, effective August 17, 2000. The Company was last listed as an acceptable surety on Federal bonds at 65 FR 40870, June 30, 2000.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under sections 9304 to 9308 of Title 31 of the United States Code, to Great American Alliance Insurance Company, Cincinnati, Ohio. This new Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of \$1,008,000 established for the Company as of June 30, 2000, remains unchanged until June 30, 2001.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the Company remains qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1, in the Department Circular 570, which outlines details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570,