

Railroads and Light Rail Transit Systems, 65 FR 42526 (July 10, 2000).

Currently, River Line passenger operations and Conrail operations are temporally-separated, with light rail having exclusive use of the shared track from 6 a.m. until 10 p.m. during the Passenger Period and Conrail maintaining exclusive rights at all other times during the Freight Period. NJ Transit is proposing to make signal improvements that will maintain temporal separation but provide for superior utilization of the existing infrastructure by expanding the Passenger Period and allow Conrail an increased operating flexibility. Specifically, the intent of these improvements is to: enable the provision of passenger service to Route 73 station in Pennsauken during the extended hours of 5:30 a.m. until 12 a.m.; provide additional flexibility and efficiencies for the operation of freight trains, specifically to enable Conrail to operate between Pavonia Yard and Minson Siding/Pennsauken Industrial Track under vitally enforced separation from light rail vehicles during all hours; provide positive train separation through the utilization of active trip stop transponders for light rail encroachment; and power derails for freight encroachment.

NJ Transit further submitted on December 15, 2006, a letter offering clarification and additional information to amend the original petition. First, NJ Transit is formally notifying the FRA that in September of 2004, NJ Transit and Conrail established two separate zones of temporal separation: Zone One from CP45 (Pennsauken) to CP269 (Bordentown), with exclusive Passenger Period from 6 a.m. until 10 p.m., which remains unchanged from the original Shared Use Waiver; Zone Two from CP269 (Bordentown) to CP329 (Trenton) features a revised Passenger Period that starts at 5:45 a.m. until 10 p.m.

Second, as part of the current proposed extended temporal separation between CP45 and CP70, there is potential for a new parallel operation between River Line light rail vehicles and Conrail freight equipment at track centerline distances that in some locations are less than 17-ft. NJ Transit is informing FRA that it will not install an Intrusion Detection System (IDS) in this area as was done previously at two other locations of the River Line. Instead, NJ Transit proposes to maintain an equivalent level of safety by restricting this section of River Line to one mode at a time by prohibiting River Line light rail vehicles from operating between CP45 and CP70 when a Conrail

freight train has been authorized through this section.

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 communication concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-1999-6135) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, D.C. 20590. Communications received within 30 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>.

Issued in Washington, DC on January 9, 2007.

Grady C. Cothen,

Deputy Associate Administrator, for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002006-25975; Notice 2]

American Honda Motor Co., Inc., Grant of Petition for Decision of Inconsequential Noncompliance

American Honda Motor Co., Inc. (Honda) has determined that the certification labels for certain Pilot trucks that it produced in 2006 do not comply with S5.3 of 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire selection and rims for motor vehicles other than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Honda has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an

appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on October 4, 2006, in the **Federal Register** (71 FR 58660). NHTSA received no comments.

Affected are a total of approximately 23,000 model year 2006 and 2007 Honda Pilot trucks produced between February 17, 2006 and August 10, 2006. S5.3.2 of FMVSS No. 120 requires that the vehicles shall show the size designation appropriate for the tires. The noncompliant vehicles have certification labels stating that the rim size is 6 inches, when in fact the rim size is 16 inches. Honda has corrected the problem that caused these errors so that they will not be repeated in future production.

Honda believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Honda presents the following basis for its petition. Most vehicle owners, dealers, and tire service technicians would refer to the vehicles' existing tires and/or the separate Tire Placard to determine the appropriate size for a replacement tire rather than to the Certification Label. If the vehicle owner, dealer or tire service technician read the incorrect rim size on the certification label, it would be obvious that a full size vehicle could not use 6 inch wheels. The owner's manual contains the correct rim size information. The correct rim size is cast into the wheel itself.

NHTSA agrees with Honda that the noncompliance is inconsequential to motor vehicle safety. It would be obvious that a full size vehicle could not be supported by 6 inch wheels. The correct size information is available in the owner's manual, and on the wheel itself, in order to determine the correct size for replacement wheels and tires.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Honda's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: January 8, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

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