

not being extended at least 4 inches from its stowed position.

GM explains that under certain circumstances following a remote engine start that the seatbelt assembly warning system audible signal and/or the telltale warning light do not always activate as required to fully comply FMVSS No. 208.

The vehicles in question fall into two groups. The first group contains only 2006 model year vehicles. The second group consists of a few late production 2006 multipurpose passenger vehicles and all the 2007 vehicles reported. For simplification, these groups are referenced hereafter as the 2006 and the 2007s.

GM states that when a subject vehicle's engine is started using the ignition key (not with remote start), three warning cycles are provided to unbelted occupants for the 2007 vehicles. The first warning cycle satisfies the requirements specified in FMVSS 208 S7.3(a)(1) for the unbuckled driver. The second and third cycles provide additional audible and telltale warnings, of the same duration required by the standard, for drivers who remain unbuckled. The 2006 vehicles receive only the first cycle of driver and passenger warnings. If at anytime the driver buckles, the warnings will cease.

GM additionally explains that in some cases, if the vehicle is started using the remote start function the seatbelt assembly warning system will not activate upon key rotation to the "RUN" position as specified by FMVSS No. 208 S7.3(a)(1). For both 2006 and 2007 vehicles following remote start, an audible warning will sound when the key is rotated to the "RUN" position, but the required telltale warning may not be provided. The length of the telltale warning for the first warning cycle is decreased by the amount of time between when the engine is started and when the key is turned to the "RUN" position. The driver, buckled or unbuckled, receives an audible warning except in the situation where the front passenger buckles between 25 and 33 seconds following the remote start (in effect buckling in response to the chime and silencing it before the driver enters the vehicle).

For the 2006 vehicles, as originally manufactured, there were no supplemental warning signal cycles. The 2007 vehicles were provided with an enhanced safety belt reminder system that will activate if front outboard occupants are not belted and the vehicle speed is above 5 mph. The 2007 vehicles will provide two cycles of audible and visual belt warning notice in such conditions.

GM also provided a detailed explanation of the reasons why it believes that the noncompliance is inconsequential to motor vehicle safety.

In summary, GM states that for all of the subject vehicles, the unbuckled driver receives a warning when the ignition key is turned to the "RUN" position essentially every time:

(1) When the vehicles are started with its ignition key, the required seat belt warnings are provided.

(2) When the 2007 vehicles and the upgraded¹ 2006 vehicles are started remotely, the unbuckled driver receives, at a minimum, the audible warning when the ignition key turned to the "RUN" position plus 2 cycles of visual and audible warning when the vehicle's speed reaches 5 Miles per hour (mph).

(3) When the 2006 vehicles are started remotely, the unbuckled driver will receive, at a minimum, the audible warning.

The only exception for where an audible warning is not provided is when the front passenger buckles between 25 and 33 seconds following the remote start (in effect buckling in response to the chime and silencing it before the driver enters the vehicle).

GM states that it believes that because the noncompliances are inconsequential to motor vehicle safety that no further corrective action is warranted.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

The petition, supporting materials, and all comments received before the

¹ General Motors has initiated a Customer Satisfaction Program to upgrade the belt reminder system on the 2006 vehicles to provide three sets of warning cycles as implemented on the 2007 vehicles and has sent letters to the customers of those vehicles informing them of this.

close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 10, 2007.

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

Issued on: November 2, 2007.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. E7-22057 Filed 11-8-07; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0020]

Controls, Telltales and Indicators

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of draft interpretation; request for comments.

SUMMARY: In past interpretations, NHTSA has taken the position that redundant displays, voluntarily provided by the vehicle manufacturer, need not meet the requirements of FMVSS No. 101 *Controls, Telltales, and Indicators*, if another display fully meets the standard's requirements. This document sets forth a draft interpretation addressing whether this principle should apply to redundant telltales "of particular safety significance" placed in "common spaces." We have tentatively concluded that the principle should not be extended to these telltales.

DATES: Comments must be received on or before January 8, 2008.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail:* Docket Operations, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery*: Docket Operations, M-30, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number. For detailed instructions on submitting comments, see the Submission of Comments heading under the **SUPPLEMENTARY INFORMATION** section of this document.

Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading under Submission of Comments.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to the DOT Docket Operations, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Nakama, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, Telephone: (202) 366-2992, Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

- A. Purpose of a Draft Interpretation
- B. Redundant Displays
- C. "Telltale of Particular Safety Significance" in a "Common Space"

II. Draft Interpretation

III. Submission of Comments

I. Background

A. Purpose of a Draft Interpretation

One of the functions performed by NHTSA's Chief Counsel is to issue interpretations of the statutes and regulations administered by the agency. These interpretations are typically issued in the form of a letter responding to a request for interpretation from a manufacturer or other interested entity. Our interpretations have always been placed in public viewing files and, more recently, have been available to the public on the NHTSA Web site.

We believe that, in certain cases, and including those potentially affecting parties who may have relied on previous interpretations, it is beneficial to publish new interpretations in draft form in the **Federal Register** to provide an opportunity for public comment before deciding whether to make them final. This will help ensure that we have considered all relevant issues and

viewpoints prior to adopting and publishing a final interpretation.

B. Redundant Displays

Federal Motor Vehicle Safety Standard No. 101, *Controls, Telltales and Indicators*, specifies performance requirements for location, identification, color, and illumination of motor vehicle controls, telltales and indicators. The purpose of FMVSS No. 101 (at S2.) is to:

* * * ensure the accessibility, visibility and recognition of motor vehicle controls, telltales, and indicators, and to facilitate the proper selection of controls under daylight and nighttime conditions, in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

FMVSS No. 101 does not itself require that any particular controls, telltales or indicators be furnished, although several of the controls, telltales or indicators regulated by the standard are required by other safety standards. The standard instead provides that if certain controls, telltales or indicators are furnished, they must meet the requirements of the standard. In general, controls, telltales or indicators not listed in the standard are not subject to its requirements.

In past interpretations of FMVSS No. 101, NHTSA has taken the position that redundant, voluntarily provided displays need not meet the requirements of FMVSS No. 101, if another display fully meets the standard's requirements. This principle is expressed in letters such as an April 13, 1988 letter to Mr. Robert A. Rogers of General Motors Corporation (GM). In writing to NHTSA, GM noted that S5.3.4(b) (as stated back in 1988) of FMVSS No. 101 stated in part that "that telltales and identification for brakes, highbeams, turn signals, and safety belts may not be adjustable under any driving condition to a level that is invisible." GM sought NHTSA's concurrence that variable illumination intensity, including levels at which the displays would not be visible, was permissible for the redundant (but not the other) turn signal and highbeam telltales.

NHTSA's response to GM stated in part:

Your letter raises the issue of how the requirements of Standard No. 101 apply to redundant displays. It is our opinion that where a manufacturer provides more than one of a particular display listed in Standard No. 101, e.g., two speedometers, the requirements of the standard for that listed display are met if one of the displays complies with the standard's requirements. The standard's purposes of ensuring the accessibility and visibility of a particular display are fully satisfied by the complying

display. Thus, the requirements need not be met again for a redundant display. * * *

C. "Telltale of Particular Safety Significance" in a "Common Space"

For many years, FMVSS No. 101 specified that a common space may be used to display messages from any source, subject to several requirements. One of the requirements was that the telltales for the brake, high beam, turn signal, and safety belt ("telltale of particular safety significance") may not be shown in the common space. This requirement ensured that these "telltale of particular safety significance" are always visible to the driver.

In a September 23, 2003 (68 FR 55217) notice of proposed rulemaking to update FMVSS No. 101, we proposed, among other matters, to permit "telltale of particular safety significance" to be in a common space, but with the restriction that such telltales could not share a common space with other specified "telltale of particular safety significance" that were listed. We further proposed that if one of these "telltale of particular safety significance" is activated, it would be required to displace any other symbol or message in that common space while the underlying condition that caused the telltale's activation exists.

We did not receive any public comments on the proposed changes to the common space for displaying multiple messages, especially regarding "telltale of particular safety significance." Therefore, in a final rule of August 17, 2005 (70 FR 48305), we stated that we were adding to S5.5, specified "telltale of particular safety significance" that were proposed in the NPRM. We noted that: "The changes adopted in this final rule continue to ensure that these telltales of particular safety significance, if activated, will always be visible to the driver, but give vehicle manufacturers increased flexibility in instrument panel design."

In a subsequent final rule in response to petitions for reconsideration published on May 15, 2006 (71 FR 27964), we amended S5.5.2 to read:

S5.5.2 The telltales for any brake system malfunction required by Table 1 to be red, air bag malfunction, low tire pressure, passenger air bag off, high beam, turn signal, and seat belt must not be shown in the same common space.

II. Draft Interpretation

In a request for an interpretation, Suzuki asked about the requirements of the August 17, 2005 final rule amending FMVSS No. 101, and specifically those of S5.5, *Common space for displaying*

multiple messages. That company cited a possible design where there is a telltale “provided in the instrument cluster” that meets all applicable FMVSS No. 101 requirements. As a specific example, it cited the low tire pressure telltale, described in the August 2005 final rule as a telltale “of particular safety significance.” (See 70 FR 48300). Suzuki asked two questions regarding a “redundant” telltale (using the low tire pressure telltale as an example) provided in a common space for displaying multiple messages.

Suzuki’s first question was whether a redundant telltale “of particular safety significance” provided in the common space must meet the color requirements in Table 1 of FMVSS No. 101. It stated its view that since the telltale in the common space is voluntary and not provided to meet FMVSS No. 101, the color requirement would not apply.

That company’s second question was whether the requirement in S5.5.5 that the telltale provided in the common space must displace any other symbol or message in the common space while the underlying condition for the telltale’s activation exists applies. It stated its view that since the telltale in the instrument cluster (i.e., the telltale that meets all applicable FMVSS No. 101 requirements) would be illuminated for as long as the underlying condition exists, it is not necessary for the telltale provided in the common space to displace other symbols or messages.

Suzuki’s request for interpretation raises the issue of whether the principle that redundant displays voluntarily provided by the vehicle manufacturer need not meet all of the requirements of FMVSS No. 101 *Controls, Telltales, and Indicators*, should apply to redundant telltales “of particular safety significance” placed in “common spaces.” As discussed below, we have tentatively concluded that this principle should not be extended to that situation.

As indicated by our 1988 letter to GM, the agency has followed the principle at issue based on the premise that where a manufacturer provides more than one of a particular display listed in FMVSS No. 101, the standard’s purposes of ensuring the accessibility and visibility of that type of display are fully satisfied if one of the displays meets the requirements of the standard.

However, in developing both the previous and revised requirements related to telltales in common spaces, NHTSA had special concern about ensuring the effectiveness of telltales of particular safety significance in common spaces. Given the special requirements that were developed to address that concern, we have

tentatively concluded that this principle should not be extended to telltales of particular safety significance in common spaces. Even if such telltales are viewed as redundant, drivers may come to rely on these telltales. Failure of the telltale to meet the specified color requirements or to displace another message could reduce the safety of the vehicle.

Accordingly, it is our tentative conclusion that the telltales of particular safety significance listed in S5.5¹ and provided in a common space must meet the full requirements of FMVSS No. 101 regardless of whether a separate telltale is also provided.

As indicated above, Suzuki’s first question was whether a redundant telltale “of particular safety significance” provided in the common space must meet the color requirements in Table 1 of FMVSS No. 101. For the reasons discussed above, our tentative answer is yes.

That company’s second question was whether the requirement in S5.5.5 that the telltale provided in the common space must displace any other symbol or message in the common space while the underlying condition for the telltale’s activation exists applies. For reasons discussed above, our tentative answer is yes.

III. Submission of Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit your comments by any of the following methods:

- *Federal eRulemaking Portal:* go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between

9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.

How Can I Be Sure That My Comments Were Received?

If you submit your comments by mail and wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation.²

In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to the Docket by one of the methods set forth above.

Will the Agency Consider Late Comments?

We will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments received after that date.

How Can I Read the Comments Submitted by Other People?

You may read the materials placed in the docket for this document (e.g., the comments submitted in response to this document by other interested persons) at any time by going to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. You may also read the materials at the Docket Management Facility by going to the street address given above under **ADDRESSES**. The Docket Management Facility is open between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Privacy Act

Anyone is able to search the electronic form of all comments

¹ See S5.5.2, S5.5.5, and S5.5.6(b).

² See 49 CFR § 512.

received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://docketsinfo.dot.gov/>.

Issued on: October 26, 2007.

Anthony M. Cooke,
Chief Counsel.

[FR Doc. E7-21431 Filed 11-8-07; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35092]

Progressive Rail Inc.—Continuance in Control Exemption—Montgomery Short Line LLC

Progressive Rail Inc. (PRI) has filed a verified notice of exemption to continue in control of Montgomery Short Line LLC (MSL), upon MSL's becoming a Class III rail carrier.¹

This transaction is related to a concurrently filed verified notice of exemption in STB Finance Docket No. 35093, *Montgomery Short Line LLC—Lease and Operation Exemption—Union Pacific Railroad Company*. In that proceeding, MSL seeks to lease and operate approximately 23.5 miles of rail line owned by the Union Pacific Railroad Company from Merriam to the end of the track near Montgomery, in Scott and Le Sueur Counties, MN.

PRI intends to consummate the transaction on or after November 24, 2007, the effective date of the exemption (30 days after the exemption was filed).

PRI is a common carrier by rail that owns and operates lines in the States of Minnesota and Wisconsin. PRI also currently controls Central Midland Railway Company, a Class III rail carrier, that owns and operates rail property interests in Missouri.

PRI represents that: (1) The rail lines to be leased by MSL do not connect with it or any other railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all the carriers involved are Class III rail carriers.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 16, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35092, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Michael J. Barron, Jr., Fletcher & Sippel, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: November 1, 2007.

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

Vernon A. Williams,
Secretary.

[FR Doc. E7-21958 Filed 11-8-07; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35093]

Montgomery Short Line LLC—Lease and Operation Exemption—Union Pacific Railroad Company

Montgomery Short Line LLC (MSL), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease, pursuant to an agreement to be executed prior to consummation with Union Pacific Railroad Company (UP), and to operate approximately 23.5 miles of rail line known as the Montgomery, Minnesota Subdivision from milepost 38.7 near Merriam, to milepost 62.2 at the end of the track near Montgomery, in Scott and Le Sueur Counties, MN.

As a result of this transaction: (1) MSL will become the exclusive operator of

rail freight service over the line; (2) UP and MSL will interchange traffic at Merriam; and (3) UP will retain the right to operate passenger trains over the line.

This transaction is related to the concurrently filed notice of exemption in STB Finance Docket No. 35092, *Progressive Rail Inc.—Continuance in Control Exemption—Montgomery Short Line LLC*, wherein Progressive Rail Inc. seeks to continue in control of MSL upon its becoming a rail carrier.

MSL certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million.

The transaction is expected to be consummated on or after November 24, 2007, the effective date of the exemption (30 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than November 16, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35093, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Michael J. Barron, Jr., Fletcher & Sippel, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.

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

Decided: November 1, 2007.

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

Vernon A. Williams,
Secretary.

[FR Doc. E7-21956 Filed 11-8-07; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Fiscal Service

Fee Schedule for the Transfer of U.S. Treasury Book-Entry Securities Held on the National Book-Entry System

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury is announcing a new fee

¹MSL is a wholly owned subsidiary of PRI.