DATES: Comments must be received on or before January 6, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, Suite #3, Memphis, TN 38131–0301.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terrance Igoe, Executive Director of the Metropolitan Knoxville Airport Authority at the following address: P.O. Box 15600, Knoxville, TN 37901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Knoxville Airport Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131–0301; 901–544–3495. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to: use the revenue from a PFC at McGhee Tyson Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 26, 1996, the FAA determined that the application to use the revenue from a PFC submitted by Metropolitan Knoxville Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 28, 1997.

The following is a brief overview of the application.

PFC application number: 97–04–U–00–TYS.

Level of the proposed PFC: $3.00.

Charge effective date: January 1, 1994.

Proposed charge expiration date: June 1, 1997.

Total estimated PFC revenue to be used for this project: $647,000.

Brief description of proposed project: Purchase airfield maintenance and snow removal equipment (grader, loader, snow blower, and snow broom) to replace existing equipment which has served its useful life.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled air taxi/commercial operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Knoxville Airport Authority.

Issued in Memphis, Tennessee, on November 26, 1996.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 96–31002 Filed 12–4–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at McGhee Tyson Airport, Knoxville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at McGhee Tyson Airport Knoxville, Tennessee, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before January 6, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2851 Directors Cove, Suite #3, Memphis, TN 38131–0301.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Terry Igoe, Executive Director of the Metropolitan Knoxville Airport Authority at the following address: P.O. Box 15600, Knoxville, TN 37901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Knoxville Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131–0301; 901–544–3495. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to: use the revenue from a PFC at McGhee Tyson Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On November 29, 1996, the FAA determined that the application to use the revenue from a PFC submitted by Metropolitan Knoxville Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 28, 1997.

The following is a brief overview of the application.

PFC application number. 97–03–C–00–TYS.

Level of the proposed PFC: $3.00.

Proposed charge effective date: May 1, 1997.

Proposed charge expiration date: May 1, 1998.

Total estimated PFC revenue: $1,646,272.

Brief description of proposed projects: Terminal area study with preliminary design for phased development of the terminal area; replace electrical conduits, cables, equipment and fixtures providing or serving taxiway system from Taxiway G5 and G8; and PFC Administrative expense.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled air taxi/commercial operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Knoxville Airport Authority.

Issued in Memphis, Tennessee, on November 29, 1996.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 96–31003 Filed 12–4–96; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. § 30162 requesting that the agency commence a

proceeding to determine the existence of a defect related to motor vehicle safety.

Ms. Joan Claybrook of Public Citizen submitted a petition dated June 4, 1996, requesting the agency to investigate more than 40 million model year (MY) 1978 through 1988 GM vehicles, equipped with the General Motors Corporation (GM) Type III door latch, to remedy an alleged safety-related defect in the door latch which reportedly fails to hold the door closed during a crash. Specifically, the petitioner alleges that during a collision, the Type III door latch allows the detent lever to be out of alignment with respect to the fork bolt. According to the petitioner, when this occurs, the fork bolt may be free to rotate and may disengage from the striker, allowing the door to inadvertently open and the occupants to be ejected.

The petition was based on information from an Alabama product liability case *Hardy* v. *General Motors Corporation, et al.* (Circuit Court, Lowndes County, Alabama, Civil Action File No. CV9356), in which the plaintiff alleged that Mr. Hardy was ejected through an opened side door from a MY 1987 Chevrolet S–10 Blazer, equipped with the GM Type III door latch, and injured because the door latch failed to hold the door closed during a rollover accident.

After reviewing the petition and its supporting materials, as well as information both furnished by GM and within the agency's possession from previous rulemakings and other actions, NHTSA has concluded that further investigation of the GM Type III side door latch is unlikely to result in a determination that the latch contains a safety-related defect and that a further commitment of agency resources in this effort is not warranted. The agency has accordingly denied the petition.

NHTSA's Office of Defects Investigation (ODI) has prepared a report that describes in detail the agency's analysis of the allegation presented in the petition. Interested persons may obtain copies of that report by contacting the Technical Reference Division, NAD–52, Room 5108B, 400 7th Street, SW, Washington, DC 20590, (202) 366–2768. A summary of this report is presented below.

System Description

Front Door Latch and Lock Assembly. The side door latch assembly in these GM vehicles provides three major functions as described below.

a. It provides a means of keeping the door closed.

When closing the door, the latch fork bolt contacts the striker pin body. This causes the fork bolt to rotate in the latch and the ''throat'' to wrap around the striker pin. A cam surface of the fork bolt causes the detent lever to ride on the cam until it drops into engagement with the secondary latch tooth of the fork bolt. Further inboard movement of the door causes the detent lever to ride on a second cam surface until it drops into engagement with the primary latch tooth of the fork bolt. A spring on the detent lever keeps the detent lever engaged with the fork bolt, keeping the door latched.

b. It provides a means to unlatch the door from inside and outside the vehicle.

To open the door, a release lever actuated by the door handle operates an intermittent lever that disengages the detent from the teeth of the fork bolt. When the outside handle is operated, a rod attached to the handle pushes the release lever in the latch, thereby disengaging the detent. When the inside handle is operated, a rod attached to the handle pulls a remote lever in the latch. This lever moves the release lever and also disengages the detent. When the detent is disengaged from the fork bolt, continuous outboard movement of the door causes the fork bolt to rotate until it clears the striker bolt.

c. It provides a means to lock and unlock the door.

To lock the door, a rod attached to the key cylinder mechanism or a rod attached to the inside locking button drives the locking lever in the latch to a locked position. The intermittent lever is thereby moved out of engagement with the detent lever and renders the door handles inoperative.

Modification

The GM Type III door latch has two basic versions: one is the original design and the other is a modification of the same. The petitioner alleges that the original Type III side door latch is defective.

The modification of the original latch involved the addition of a metal plate (support plate) within the latch assembly. This support plate was riveted in front of the fork bolt and detent lever and welded on the latch inboard edge. According to GM, the purpose of adding the support plate was to increase resistance to ''bypass,'' i.e., release of the latch due to mis-alignment of the fork bolt from the detent lever. The modification was first introduced as a running change on GM's K body passenger vehicles during MY 1986.

Vehicles Involved

GM produced approximately 46 million MY 1978 through 1988 vehicles equipped with GM's ''original'' Type III and ''modified'' Type III door latches. Approximately 40 million of these vehicles were equipped with the GM's original Type III door latch that was built without a support plate. Beginning in MY 1986, the modified Type III door latch, which was built with a support plate, was used in certain models.

Owner Reports

Analysis of the Office of Defects Investigation (ODI) computerized database for the subject vehicles revealed only one (1) complaint concerning side door opening during a collision accident. The vehicle involved was a MY 1984 Chevrolet Camaro that was built with the original Type III door latch. The report mentions that during the March 13, 1996 accident, the side door was opened and the driver was injured but not ejected.

Testing

1. Static Test—Performed by NHTSA

NHTSA's Office of Vehicle Safety Compliance (OVSC) has tested thirty-nine MY 1978–88 GM vehicles according to Federal Motor Vehicle Safety Standard (FMVSS) No. 206, ''Door locks and door retention components'' and all passed the requirements of the standard. The test vehicles were equipped with three different latches: twelve with the original Type III latch, eight with the modified Type III latch, and the remaining nineteen with a different (non-Type III) latch.

Beginning with model year 1978, certain door latches that passed compliance testing to FMVSS 206 were further tested until failure to determine the ultimate load for each latch. The purpose was to gather additional information on the strength of the latches. Of the twenty compliance tests involving MY 1978–88 vehicles equipped with the Type III latches, ten were further tested until failure. The test-to-failure results showed that: (1) there was insignificant difference in strength between the original and modified Type III latches, and (2) both the original and modified Type III latches exceeded NHTSA's safety standard requirements, in many cases by a factor of two or more.

In an effort to reduce the accident ejection rates on the nation's roadways, NHTSA has considered the possible benefits of upgrading FMVSS No. 206. In 1986, NHTSA initiated a pilot study and contracted with Chi Associates Inc. to correlate the ultimate strength (test-to-failure) of side door latches with the overall occupant ejection rates. In this

study, the ejection rate was determined, using the number of ejections in the Fatal Accident Reporting System (FARS) data divided by the number of vehicle registrations obtained from the POLK database for 173 vehicles of various make and models. These vehicles were then divided and ranked into three groups with high, average, and low ejection rates. Eight vehicles from each of the high, average and low categories were selected for ultimate strength testing, with priority given to the major automobile manufacturers. All 24 vehicles tested were MY 1983 models. The test results showed that GM's original Type III latch performed far better than many other latches. In fact, three of the four strongest tested latches in both longitudinal strength tests and transverse strength tests were original GM Type III latches.

In 1988, as a follow-up study, NHTSA conducted its own door latch testing program at the Vehicle Research and Test Center (VRTC) to validate the findings of Chi Associates' study. A total of 25 latches were tested: two GM models with the original latch, two GM models with non-Type III Latches, and 21 non-GM latches. Each specimen was tested until failure, using a procedure similar to FMVSS No. 206, in order to determine its ultimate latch strength. The test results showed that in both the longitudinal and transverse loading directions, GM's original Type III latch was among the top six in terms of strength for the 25 latches tested.

In the mid-1980's, GM developed the Horizontal Rotation Test (HRT) as a way of simulating (and ultimately reducing the incidence of) latch ''bypass,'' which can occur on all vehicles. In this test, the door latch and striker are allowed to rotate relative to one another to simulate rotation of the surrounding vehicle structure. GM provided NHTSA with information on the test fixture and some early test results. In 1991, NHTSA conducted an evaluation of GM's HRT on door latch integrity to determine if that test is a suitable replacement of or supplement to the FMVSS No. 206 test requirements. NHTSA analyzed the National Accident Sampling System (NASS) data and found that a GM's HRT would represent approximately 16 percent of the door opening cases that involve B pillar twisting.

To further evaluate the HRT fixture, NHTSA conducted tests on door latches from thirteen MY 1981 and 1983 non-GM vehicles and from the MY 1983 Buick Regal using GM's original Type III latch. For each latch-type, two latches were tested to failure. To evaluate repeatability, five additional latches were selected from each previously tested vehicle group; a total of 25 additional latches were tested. The failure loads were correlated with ejection rates for the vehicles under consideration. The test results showed that the GM Type III latch was the strongest tested; the average strength of the seven tests of the original GM Type III latch was well above the breaking load of all non-GM latches.

In January 1994, NHTSA conducted an additional follow-up study of the potential for different door latch failure modes. The following test-to-failure tests were conducted:

a. Five MY 1989 non-GM vehicles and one MY 1993 non-GM vehicle were tested to failure, using a procedure similar to one specified in FMVSS No. 206. The test results were compared with those for the MY 1983 GM vehicles with the original Type III latch. Even against the newer non-GM models, the original GM Type III latch compared favorably, at or above the median of all tests.

b. Full-door longitudinal strength tests (latch strength tests with each latch mounted on a full door instead of on a test fixture) were conducted on 21 non-GM doors and two doors from GM models having the original Type III door latch. The full-door transverse strength test was performed on 15 non-GM doors and one door from a GM model using the original Type III door latch. In the full-door longitudinal strength test, the 1983 Buick Regal's original Type III latch outperformed all but two of the non-GM designs. In the full-door transverse strength test, the Buick Regal's original Type III latch outperformed all but one non-GM latch.

c. The HRT was performed on six non-GM vehicles. The test results were compared with the average of the seven tests previously reported for the original Type III latch. Once again, the GM Type III latch from a 1983 model car compared favorably to all the newer vehicles tested by NHTSA.

Static Test—Conducted by GM:

GM's September 5, 1996 response to ODI's DP96–008 information request indicated that GM had tested twenty-four original Type III latches to the requirements of FMVSS No. 206—all passed.

2. Dynamic Tests—Performed by NHTSA:

FMVSS No. 208, ''Occupant crash protection''. NHTSA's OVSC tested two subject vehicles equipped with the original Type III latches and one subject vehicle equipped with a modified Type III latch. A review of the photographs in the three test reports revealed that no side door was opened on any of the test vehicles as a result of the 30 mph rigid barrier frontal crash.

FMVSS No. 301, ''Fuel system integrity'' (Rear impact): NHTSA tested 20 vehicles equipped with the GM original Type III latch, and one subject vehicle equipped with the modified latch. A review of the photographs in the 21 test reports revealed that no side door opened on any of the test vehicles as a result of the 30 mph rear impact by a 4,000 moving barrier.

New Car Assessment Program. NHTSA tested 31 subject vehicles equipped with the original Type III latch, four subject vehicles equipped with the modified Type III latch, and five subject vehicles equipped with either the original or modified Type III latch (in certain model and model year vehicles both the original and modified Type III latches were used). Despite the severity of the 35 mph rigid barrier crash, a review of the photographs in the test reports revealed that no side door opened as a result of the crash.

2. Dynamic Tests—Performed by GM

In its September 5, 1996 response to ODI, GM provided 42 crash test reports on vehicles equipped with Type III latches. These crash tests involved both developmental (non-production) vehicles and production vehicles, and were performed for a variety of evaluation purposes. Of the 38 developmental test vehicles, 28 were equipped with the original Type III latch, seven were equipped with the modified Type III latch, and three were equipped with unspecified Type III latches. Of the four production vehicles tested, three were equipped with the original Type III latch and one was equipped with the modified Type III latch.

A total of 28 developmental vehicles equipped with the Type III door latch reportedly experienced side door openings during crash testing; 22 were equipped with the original Type III latch, four were equipped with the modified Type III latch, and two were equipped with either the original or the modified Type III latch. There was only one production vehicle which reportedly experienced side door opening—a MY 86 Oldsmobile 'H' body vehicle equipped with the original Type III latch. During the 50 mph high speed impact, the passenger side rear door latch separated from the striker, allowing the door to open.

The rear door on a second production vehicle, a MY 1978 Chevrolet 'T' body vehicle equipped with the original Type III latch, came partially unlatched during a 31 mph rear impact test.

It is important to note that many of these crash tests involved prototype or altered Type III latches and vehicles and thus cannot be considered equivalent to tests involving standard Type III latches and production vehicles. Prototype or altered latches involved significantly different weld patterns, bolt structures, materials, and varying striker and detent sizes. These developmental modifications may significantly change the Type III latch's strength, and there is no record that any of these developmental modifications (with the exception of the support plate) survived into the final design. Similarly, the vehicles used in developmental tests were often two or more years ahead of their production date. These differences mean that the prototype Type III door latches or vehicles used in developmental crashes are not necessarily representative of production versions, and thus doors opening in developmental crashes do not necessarily indicate that doors will open in production vehicles under the same crash conditions.

Accident Data

In response to DP96–008 Information Request concerning reports of inadvertent side door openings on the subject vehicles involved in a collision or rollover, GM's September 5, 1996 response did not limit the reports to those involving a ''bypass'' although the petition focused on that type of door latch failure. According to GM, it has provided reports involving all door openings regardless of the causes, which include side door openings caused by something other than door latch failure. Further, GM indicated that door openings can and do result from many causes including intentional or accidental actuation of the door handle, or vehicle crash damage to the actuating rods inside the door, the door hinges, the door pillar or other parts of the door system.

Analysis of GM's September 5, 1996 response indicates that: (a) the majority of door-opening cases occurred from high speed collisions, and (b) under high speed collisions, both the original and modified latches cannot always prevent side door opening.

1. Accident Reports and Lawsuits

GM reported 19 accident reports and 105 lawsuits involving side door openings in the subject vehicles. In the 45 cases where the posted speed limits were reported, all of the accidents occurred in areas where the posted speed limits were 35 mph or higher, and eighty percent of the accidents occurred on roadways where the posted speed limits were 50 mph or higher. In the 38 cases where the estimated impact speeds were reported, all of the accidents occurred at an estimated impact speed of 36 mph or higher. In cases where neither the posted speed limits nor the estimated impact speeds were reported, almost all the vehicles were declared a total loss.

Of the 45 cases where the posted speed limits were reported, 29 involved the original Type III latch and 16 involved the modified Type III latch. Similarly, of the 38 cases where the estimated impact speeds were reported, 25 involved the original Type III latch and 13 involved the modified latch. One would expect to have more accident cases involving the subject vehicles with the original Type III latch than those with the modified Type III latch because there were 40 million vehicles equipped with the original Type III latch and only 6 million vehicles equipped with the modified latch.

2. Survey

Unlike other manufacturers, GM owns an insurance company that provides it with collision performance and injury reports (CPIR) on the crashworthiness of certain new model GM vehicles. GM provided NHTSA with 322 CPIRs involving side door openings during a collision and 265 of which involved Type III latches.

Analysis of the 265 CPIRs involving Type III latches showed that 243 cases included the posted speed limits in the reports. Eighty-six (86) percent of the accidents occurred on roadways where the posted speed limits were 35 mph or higher, and 50 percent of the accidents occurred on roadways where the posted speed limits were 50 mph or higher. Eighty-one (81) cases included the estimated impact speeds in the reports. Among those cases, 83 percent of the accidents occurred at an estimated impact speed of 35 mph or higher, and 48 percent of the accidents occurred at an estimated impact speed of 50 mph or higher.

Based on the accident reports, lawsuits, and CPIR cases provided, the difference between the number of door opening cases for vehicles equipped with the GM's original Type III latch and that with the modified Type III latch is not statistically significant.

3. Analysis of FARS and NASS Data—Performed by ODI

Accident data were analyzed to determine the ''real world'' performance of the subject vehicles and peer vehicles.

ODI's analysis was based on a peer vehicle comparison, i.e., GM vehicles with the original Type III latch compared to vehicles manufactured by other companies that are similar in size and/or use. Data analyses were conducted, using these two vehicle sets, using both NHTSA's Fatal Accident Reporting System (FARS) and National Accident Sampling System (NASS) Crashworthiness Data System (CDS) data.

Vehicle Selection and Peer Sets. The GM vehicles which used the original Type III latch were organized according to type and size. A peer vehicle group was selected according to size and type to be similar to those of the GM vehicle group.

Results of the analysis showed that:

a. Analysis of the NASS–CDS database indicated that the GM vehicles equipped with the original Type III latch without the support plate performed in a similar manner as the peer vehicle group, i.e., the rates of ejections, door openings, or latch failures for the GM vehicles equipped with the original Type III latch were about the same as those of the peer vehicles.

b. Analysis of the FARS data base indicated that the GM vehicle group performed no worse than the peer vehicle group, i.e., the ejection rates for the GM vehicle group equipped with the original Type III latch, involving fatally injured occupants and ejected occupants, were about the same as those of the peer vehicle group.

c. Analysis using both FARS and NASS data indicated that during rollover crashes, the vehicle group equipped with the original GM Type III latch performed the same as the peer vehicle group, i.e., the ejection rates for the GM vehicle group equipped with the original Type III latch were about the same as those of the peer vehicle group.

d. Analysis using both FARS and NASS data indicated that unbelted occupants in crashes in the vehicle group equipped with the original GM Type III latch performed the same as the peer vehicle group.

4. Analysis of FARS and NASS Data—Performed by GM

GM submitted to NHTSA a report dated September 25, 1996, including accident data analyses of the ''real world'' performance of the subject vehicles equipped with the original Type III latch. These analyses were developed from NHTSA's FARS and NASS–CDS data systems. GM's summary stated that ''GM vehicles equipped with Type III door latches have no higher rate of door opening than vehicles made by other manufacturers at the same time. Even

more importantly, GM vehicles with Type III door latches have no higher rate of ejection—either overall or through side-door openings—than contemporaneous vehicles of other manufacturers. * * *''

Using 1984–94 NASS data, GM's detailed analysis indicates that the GM and non-GM vehicles have similar door opening rates.

GM conducted several analyses using NHTSA's FARS data. Details of these analyses are summarized below.

Overall ejection rate: In an analysis using 28 different car lines of unbelted front seat outboard occupants in model year 1978 through 1987 passenger cars that were involved in fatal collisions in FARS years 1975–1994, GM determined the number of ejected occupants per 100 unbelted occupants. The results showed that GM vehicles had the second to lowest ejection rate, i.e., approximately 17 ejections per 100 unbelted occupants in fatal crashes.

Side door ejection rate: In a similar analysis using the number of ejections through side door openings in 1978 through 1987 passenger cars in the 1991 through 1994 FARS files, GM found a median ejection rate of about 1.8 unbelted front seat outboard occupants per 100 unbelted occupants in fatal crashes. The GM vehicles had a side door opening ejection rate of about 1.6 front seat outboard occupants per 100 unbelted occupants in fatal crashes.

Rollover ejection rates: GM presented an analysis of rollover and non-rollover crashes, comparing its vehicles that used the original Type III latch with other manufacturer's vehicles. The analysis shows that the overall ejection rate for GM cars equipped with the Type III latch was lower than that for five other manufacturers' cars, and the side door ejection rate for GM cars equipped with the Type III latch was lower than that for four other manufacturers' cars.

Make/Model analysis: GM analyzed FARS data concerning the ejection rate of front seat occupants in vehicles at the make-model level for four different vehicles: GM's S–10 pickup, GM's A body cars (Chevrolet Chevelle/Malibu, Pontiac Lemans/6000, Oldsmobile Cutlas/Ciera, and Buick Century), Ford Ranger and Ford Taurus. The results showed that the ejection rate of the S–10 pickups was lower than that of the Rangers for both overall and side door ejections, and the overall ejection rate of the A body cars was lower than that of the Taurus. For side doors, the ejection rate was the same for the A body cars and the Taurus.

Summary

1. The GM original Type III door latch has performed better than many other side door latches used in GM and non-GM vehicles, in both static and dynamic tests, in the laboratory and in the field.

2. Test and accident data indicate that vehicle side door openings did occur under certain crash conditions for all vehicles, regardless of vehicle make or model, including GM vehicles equipped with the modified Type III door latch as well as GM vehicles equipped with the original Type III door latches. Most crashes in which the side door opened were high speed crashes.

3. ''Real-world'' accident data indicate that GM vehicles equipped with the original Type III door latch have ejection rates or side door opening rates similar to or lower than those of vehicles made by other manufacturers.

4. There was only one complaint in the ODI database concerning an alleged side door opening during a collision accident involving a subject vehicle.

Based on the information available at the present time, no defect trend has been identified for the GM Type III door latch in 1978 through 1988 GM vehicles.

For the foregoing reasons and for the reasons stated in the ODI report, further expenditure of the agency's investigative resources on the allegation in the petition does not appear to be warranted. Therefore, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on November 27, 1996.

Michael B. Brownlee,

Associate Administrator for Safety Assurance.

[FR Doc. 96–30773 Filed 12–4–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board

[STB Docket No. AB–167 (Sub-No. 1173X)]

Consolidated Rail Corporation—Abandonment Exemption—in Madison County, IN

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a portion of its line of railroad known as the Honey Creek Secondary between milepost 120.65 and milepost 121.10 in the City of Anderson, Madison County, IN.[1]

Conrail has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with 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 January 4, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by December 16, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 26, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: John J. Paylor, Associate General Counsel, Consolidated Rail Corporation, 20001 Market Street—16A, Philadelphia, PA 19101–1416.

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[1] The City of Anderson (City) filed a request for issuance of a notice of interim trail use (NITU) for the line pursuant to section 8(d) of the National Trails System Act, U.S.C. 1247(d). The Board will address the City's trail use request, and any others that may be filed, in a subsequent decision

[2] 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 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.

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Board will accept late-filed trail use requests as long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.