stated that he had not moved the locomotive and could not have done so because it ''had no air.''

January 29, 1996: FRA Inspector Ron Marx conducted a track inspection on the TIRL and identified five deficiencies, including a five-and-one-sixteenth-inch cross level deviation on Bridge 7708810. This serious track defect does not meet even the minimum track geometry standards contained in 49 CFR Part 213. In addition, the added load placed on one rail by a downward tilt of the track to the downstream side further overloads the already severely degraded bridge structural members supporting the bridge timbers to which that rail is attached. Inspector Marx also found combustible debris located against the southeast corner of the bridge.

January 29–31, 1996: Representatives of Parsons Brinckerhoff, Quade and Douglas, Inc. inspected Bridge 7708810. Parsons Brinckerhoff, an engineering consulting firm with nationally recognized expertise in bridges, including wooden structures, is under contract to DOT to inspect Bridge 7708810 and to advise FRA of the bridge's structural condition. Parsons Brinckerhoff evaluated the bridge in accordance with accepted principles of structural engineering as contained in the ''Manual for Railway Engineering'' published by the American Railway Engineering Association. Parsons Brinckerhoff determined, and reported to FRA, that the bridge is unsafe, even for the movement of TIRL's 50-ton locomotive.

Condition of the bridge

The investigation performed by Parsons Brinckerhoff on behalf of FRA disclosed that bridge 7708810 is in need of repair and should be closed to all rail traffic until adequate repairs have been made. A report of the investigation notes that severe deterioration and distress exist in the three northern stringers of the westernmost span of the bridge structure. The damage includes severe section loss caused by fungal attack, crushing of the bearing surfaces due to an inadequate bearing area, and horizontal shear cracks along most of the length of the stringers. The three stringers are so badly deteriorated that they are considered as failed. Because of the complete lack of support under one rail, the entire span is rated zero for live load capacity.

Failure of the bridge under load could have very serious consequences. In addition to killing or injuring railroad crew members, failure of the bridge also could kill or injure pleasure boaters on the river or at the marina. A catastrophic failure of the bridge causing any pollution of the Niagara River, whether from locomotive diesel fuel or from the contents of a boxcar, could have international impact. Furthermore, failure of the railroad bridge over the fast-moving current could damage the nearby highway bridge.

Finding and Order

The results of bridge engineers' inspection of Bridge 7708810 have led FRA to conclude that any future use of the bridge poses an imminent and unacceptable threat to public safety. A past pattern of failure by the TIRL to comply with Federal railroad safety laws and regulations persuades FRA that reliance upon the cooperation of the TIRL to repair the bridge to safe condition is inadequate to protect public safety. I find that the unsafe conditions discussed above create an emergency situation involving a hazard of death or injury to persons. Accordingly, pursuant to the authority of 49 U.S.C. § 20104, delegated to me by the Secretary of Transportation (49 CFR § 1.49) it is ordered that the Tonawanda Island Railroad shall discontinue, and shall not permit, the operation of trains or any railroad on-track equipment over Bridge 7708810 while this Emergency Order remains in effect.

Relief

The Tonawanda Island Railroad may obtain relief from this Emergency Order by providing the Federal Railroad Administrator with a report of inspection and evaluation of repairs, indicating to FRA's satisfaction that the Bridge 7708810 has been acceptably repaired. The report should be prepared by an engineer who is technically proficient and legally competent in the field of railroad bridge engineering, and it should state that the capacity of the bridge to carry safely railroad cars and locomotives has been restored. The configuration and weights of the loads for which the determination has been made should be stated in the report. Upon FRA's approval of the bridge engineer's assessment of the bridge restoration, and following an inspection by FRA if the agency deems it necessary, the Administrator will rescind this Emergency Order.

Penalties

Any violation of this order shall subject the person committing the violation to a civil penalty of up to $20,000. 49 U.S.C. § 21301. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. § 20112.

Effective Date and Notice to Affected Persons

This Emergency Order shall take effect at 12:01 a.m. (EST) on February 13, 1996, and apply to all operations of trains or railroad on-track equipment on Bridge 7708810 on or after that time. Notice of this Emergency Order will be provided by publishing it in the Federal Register. Copies of this Emergency Order will be sent by mail or facsimile prior to publication to Mr. Corigan Sanoian of the Tonawanda Island Railroad, the Consolidated Rail Corporation, International Filler Corporation, the City of North Tonawanda, New York Department of Transportation, and the Association of American Railroads.

Review

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 U.S.C. § 20104(b) and section 554 of Title 5 of the United States Code. Administrative procedures governing such review are found at 49 CFR part 211. *See* 49 CFR §§ 211.47, 211.71, 211.73, 211.75, and 211.77.

Issued in Washington, D.C. on February 12, 1996.

Jolene M. Molitoris,

Administrator.

[FR Doc. 96–3592 Filed 2–15–96; 8:45 am]

BILLING CODE 4910–06–P

Petition for Waiver of Compliance

In accordance with Title 49 CFR Sections 211.9 and 211.41 notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of Federal railroad safety regulations. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Burlington Northern Railroad

Union Pacific Railroad

(Waiver Petition Docket Number H–95–4)

The Burlington Northern Railroad (BN) and Union Pacific Railroad (UP) seek a waiver of compliance from certain sections of Title 49 Code of Federal Regulations Parts 216, Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment, 217, Railroad Operating Rules, 218, Railroad Operating Practices, 220, Radio Standards and Procedures, 229, Railroad Locomotive Safety Standards, 233, Signal Systems

Reporting Requirements, 235, Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements Of Part 236, Rules, standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances, and 240, Qualification and Certification Of Locomotive Engineers, under Part 211.51, Tests, to allow them to develop, implement, and test technology designed to prevent train collisions and overspeed violations and to protect track maintenance personnel from trains. The program will enable the industry to demonstrate and validate the technology, referred to as for Positive Train Separation (PTS), before it is implemented on a larger scale.

PTS is a non-vital safety overlay that works in conjunction with existing methods of operation and signal and control systems to protect against the consequences of human error. This approach provides a ''safety net'' for train operations while retaining the existing systems as the primary means of control.

The PTS safety enhancements are achieved through a centrally controlled, communication-based system that enforces movement authority and speed restrictions for PTS-equipped trains. Three PTS segments work together to provide this enforcement: the server segment, the locomotive segment, and the communications segment. The server segment determines the enforceable movement authority and speed limit for each train under PTS control. This information is sent through the communications segment to the locomotive segment, located on board the controlling locomotive of each train. The locomotive segment enforces a train's movement and speed limits by monitoring the train's location and speed and applying the brakes to stop the train if necessary to prevent a violation.

The pilot program will focus on proving PTS concepts and technology and on laying the groundwork for a production system. While the purpose of PTS is to enhance safety, the pilot program itself is not expected to yield immediate safety benefits. The program will focus on testing the technology without adversely affecting the safety of operations under existing signal and control systems, operating rules, and procedures, all of which will remain in effect.

The PTS pilot program will be implemented on 863 miles of BN and UP track in the Pacific Northwest. The pilot territory includes portions of four BN operating divisions (Cascade, Pacific, Portland, and Pasco) and the Portland and Seattle subdivisions of UP's Boise Service Unit. Relief is sought for PTS test operations on all tracks of all types included in the pilot territory. The pilot territory includes single main track, two main tracks, sidings, and branch lines.

The following are the current waiver requests and their justifications.

Section 216.13

Special notice for repairs—locomotive. Waiver is requested for PTS-equipped locomotives to the extent that non-operation of PTS equipment installed on board (whether through malfunction or deactivation) shall not be construed as an unsafe condition requiring special notice for repairs; waiver is sought for non-PTS-equipped locomotives operating in the PTS pilot territory to the extent that the absence of PTS equipment on board shall not be construed as an unsafe condition requiring special notice for repairs.

Justification: With or without PTS equipment operating on board the controlling locomotive, a train remains subject to existing signal and control systems and to the railroad's operating rules. (PTS is an overlaid system enhancing current safety without affecting the operation of existing systems.) PTS tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. The PTS pilot will equip only a small subset of locomotives operating in the pilot territory.

Section 217.9

Program of operational tests and inspections; recordkeeping. Waiver is requested exempting operation of PTS equipment and procedures from the requirements for operational tests and inspections and associated recordkeeping.

Justification: The PTS pilot is a test program during which procedures for using PTS equipment and functions will be refined and modified. Until such procedures are defined, they cannot be addressed in the code of operating rules, timetables, and timetable special instructions to which this section applies.

Section 217.11

Program of instruction on operating rules; recordkeeping; electronic recordkeeping. Waiver is requested exempting operation of PTS equipment and procedures from the requirements for instruction and associated recordkeeping.

Justification: The PTS pilot is a test program during which procedures for using PTS equipment and functions will be refined and modified. Until such procedures are defined they cannot be addressed in the code of operating rules to which this section applies. In any case PTS is expected to have minimal impact on the code of operating rules.

Part 218

[Subpart D] Prohibition Against Tampering With Safety Devices. Waiver is requested exempting on-board PTS equipment from the requirements of all sections under Subpart D of Part 218 (sections 51, 53, 55, 57, 59, and 61) to the extent that PTS equipment on board a locomotive shall not be considered a ''safety device'' according to the provisions of this subpart at any time during the pilot program.

Justification: The PTS pilot is a test program. PTS tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. BN and UP also require the flexibility to permanently disable or remove PTS equipment in the event that a production system is not implemented.

Part 220

Radio Standards and Procedures. Clarification is requested establishing that digital radio communications are exempt from all requirements applicable to radio communications under Part 220.

Justification: Imposing the requirements of Part 220 would negate the efficiencies of digital data communications and, for some functions, violate the PTS concept of operations. Digital radio communications are expected to enhance safety by eliminating the sources of human error which Part 220 is designed to mitigate. Exemption of digital communications from Part 220 requirements is consistent with the statement of scope in Section 220.1, where the term ''radio communications'' is explicitly identified with voice communications.

Section 220.21

Railroad operating rules; radio communications; recordkeeping. Clarification is requested to establish that during the pilot program, neither railroad's operating rules with respect to radio communications shall be either construed or required to address procedures governing digital data communications.

Justification: The current operating rules were written to enhance the safety of voice radio communications. Whether new rules are needed to

accommodate digital communications is an open issue, on which the PTS pilot program can be expected to provide valuable input.

Section 220.23

Publication of radio information. Clarification is requested to establish that digital radio base stations and wayside interface units are exempt from the requirements for publication of radio information including locations, channels, and periods of operation.

Justification: The safety rationale for Section 220.21 does not apply to digital radio communications, especially for PTS, where communication management functions occur transparently to the user. Exemption of digital base stations and wayside interface units from Section 220.23 requirements is consistent with the statement of scope in Section 220.1, where the term ''radio communications'' is explicitly identified with voice communications.

Section 220.61

Transmission of train orders by radio. Clarification is requested establishing that both PTS enforceable authorities and digitally transmitted text authorities (including track warrants, track permits, track and time, authority to pass an absolute signal at stop, and authority to enter track at a location between block signals) are exempt from the requirements governing voice transmission of train orders, including the following requirements: voice exchange prior to transmission of a train order; limitations regarding when and to which crew member a train order may be sent; copying a train order in writing; repeating a train order back to the dispatcher; and requiring the conductor and engineer to have written copies of a train order before it is acted upon.

Justification: The safety rationale for Section 220.61 does not apply to digital transmission of either PTS enforceable authorities or displayed text authorities. PTS enforceable authorities remain unseen by the train crew and lie clearly outside the provisions of this section. Digitally transmitted track warrants are expected to enhance safety by eliminating the sources of communication error which the requirements of Section 220.61 are designed to mitigate. Exemption of digital communications from Part 220 requirements is also consistent with the statement of scope in Section 220.1, where the term ''radio communications'' is explicitly identified with voice communications. The PTS pilot program will give opportunity to test the efficacy of issuing digital track warrants and other text authorities apart from the procedural requirements of Section 220.61.

Section 229.7

Prohibited acts. Waiver is requested to the extent that PTS equipment on board a locomotive shall not be considered ''appurtenances'' rendering the locomotive subject to the constraints of this section.

Justification: The PTS pilot is a test program. PTS test require flexibility in installing, removing, turning on, and turning off the on-board equipment. BN and UP also require the flexibility to temporarily or permanently disable on-board PTS equipment. Whether or not PTS equipment on board a locomotive is functioning, the train remains subject to the safety provisions of the existing signal and control systems and to the railroad's operating rules.

Section 229.135

Event recorders. Waiver is requested to the extent that PTS equipment on board a locomotive shall not be considered an ''event recorder'' subject to the provisions of this section.

Justification: PTS equipment by design will operate intermittently during the pilot program. PTS test require flexibility in installing, removing, turning on, and turning off the on-board equipment. BN and UP also require the flexibility to temporarily or permanently disable on-board PTS equipment.

Section 233.9

Annual reports. Waiver is requested exempting PTS operations in the pilot program from the reporting requirement of this section.

Justification: While a PTS production system may belong to the category of ''other similar appliances, methods, and systems'' specified in Section 233.1, this requirement would impose an unnecessary paperwork burden for a test program.

Section 235.5

Changes requiring filing of application. Waiver is requested exempting the PTS pilot program from the filing requirements of this section.

Justification: The PTS pilot is a test program. PTS tests require flexibility in installing, removing, modifying, turning on, and turning off the on-board equipment. BN and UP also require the flexibility to permanently disable or remove PTS equipment in the event that a production system is not implemented.

Section 236.4

Interference with normal functioning of device. Waiver is requested to the extent that PTS equipment shall be excluded from this requirement during the pilot program.

Justification: The PTS pilot is a test program through which the ''normal functioning'' of PTS will be defined and refined. PTS tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. With or without PTS equipment operating on board the controlling locomotive, the train remains subject to the safety provisions of existing signal and control systems and to the railroad's operating rules.

Section 236.5

Design of control circuits on closed circuit principle. Waiver is requested excepting PTS equipment from the closed circuit design requirement.

Justification: PTS is an overlay system using solid-state components. It will enhance railroad safety while in no way interfering with the operation of existing safety devices.

Section 236.11

Adjustment, repair, or replacement of component. Waiver is requested exempting PTS components on board a locomotive from the requirements of this section.

Justification: PTS is an overlay system designed to enhance safety while in no way affecting the operation of existing signal and control systems. Failure of a PTS component will not jeopardize the safety of train operations.

Section 236.15

Timetable instructions. Waiver is requested exempting the PTS pilot territory from the timetable designation requirement of this section.

Justification: Since the pilot program will consist of tests and demonstrations, identifying the test territory in the timetable as ''PTS'' (or some similar label) would be both premature and an unnecessary paperwork burden.

Section 236.23

Aspects and indications. Waiver is requested to the extent that the PTS display on board an equipped locomotive shall not be construed to represent or correspond to signal aspects or indications and shall therefore be exempt from the requirements of this section.

Justification: The PTS design excludes any visual display of signal aspects or indications. PTS enforceable authorities, which may or may not derive from signal indications, are not displayed on

board. Only text authorities, such as track warrants, track permits, and track and time, are displayed to the train crew. Since PTS is a safety overlay, trains remain subject to wayside signals. Information on the PTS display will in no way either represent or qualify the authority conveyed through wayside signals.

Section 236.76

Tagging of wires and interference of wires or tags with signal apparatus. Waiver is requested exempting PTS equipment from the wire tagging requirement.

Justification: PTS hardware consists of computers, computer peripherals, and communication devices. While the inapplicability of this section to circuit boards, connectors, and cables would appear obvious, waiver is sought for clarification.

Section 236.101

Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements. Waiver is requested exempting PTS equipment from the requirement for removal of failed equipment from service.

Justification: The PTS pilot is a test program. PTS tests require flexibility in installing, removing, turning on, and turning off the on-board equipment. With or without PTS equipment operating on board, a train remains subject to the safety provisions of existing signal and control systems and to the railroad's operating rules.

Section 236.107

Ground tests. Waiver is requested exempting PTS equipment in the pilot program from the requirement for ground testing.

Justification: PTS hardware consists of computers, computer peripherals, and communication devices. Ground tests would serve no purpose in ensuring safety and could be damaging to this equipment.

Section 236.109

Time releases, timing relays and timing devices. Waiver is requested exempting PTS equipment in the pilot program from the annual testing requirement.

Justification: The timing devices in PTS equipment are software-driven, have no moving parts, and are far more reliable than the devices for which this regulation was promulgated.

Section 236.110

Results of tests. Waiver is requested exempting PTS tests from the recordkeeping requirements of this section.

Justification: The PTS pilot is a test program during which the types of tests needed to ensure appropriate levels of maintenance will be defined.

Section 236.501

Forestalling device and speed control. Waiver is requested exempting PTS from the requirement for medium-speed restriction in paragraph 2 under provision b.

Justification: PTS is not connected with the signal system and will not enforce speed restrictions indicated solely through signals. PTS will enforce speed restrictions reflected in the track database or issued through the CAD system.

Section 236.502

Automatic brake application, initiation by restrictive block conditions stopping distance in advance. Waiver is requested exempting PTS automatic brake applications from the requirement tying brake applications to restrictive block conditions.

Justification: As an overlay system, PTS applies enforcement braking with reference to PTS enforceable authorities, independently of signal indications. Since PTS enforceable authorities are generated to keep trains apart, not to enforce signal indications, the enforceable limits may or may not correspond to restrictive signal indications. PTS enforceable speed limits do not reflect signal indications requiring a reduction in speed because information from signal systems is not available to the PTS system.

Section 236.504

Operation interconnected with automatic block-signal system. Waiver is requested exempting PTS from the requirement of interconnection with an automatic block-signal system.

Justification: PTS is an overlay system having no direct connection with the signal system.

Section 236.507

Brake application; full service. UP desires the option for PTS to initiate a emergency brake application if after the activation of the P2A valve the location determination system ascertains that the train will not stop within the authority limit.

Section 236.511

Cab signals controlled in accordance with block conditions stopping distance in 23 advance. Waiver is requested exempting any PTS on-board display from the cab-signal requirements in this section.

Justification: PTS is not an automatic cab signal system and will have no direct connection with the signal system.

Section 236.512

Cab signal indication when locomotive enters block where restrictive conditions obtain. Waiver is requested exempting any PTS on-board display from the cab-signal requirements in this section.

Justification: The PTS system will not incorporate information from or about intermediate signals. The information available to PTS from control points and interlockings does not include signal indications requiring a reduction in speed. PTS is not an automatic cab signal system. Since PTS is an overlay system the train crew remains responsible for adherence to wayside 24 signal indications.

Section 236.514

Interconnection of cab signal system with roadway signal system. Waiver is requested exempting PTS from the requirement of interconnection with the roadway signal system.

Justification: PTS is an overlay system having no direct connection with the signal system.

Section 236.515

Visibility of cab signals. Waiver is requested exempting any PTS display from the visibility requirement of this section.

Justification: PTS is not an automatic cab signal system. The PTS design excludes any visual representation of signal aspects or indications.

Section 236.534

Entrance to equipped territory; requirements. Waiver is requested exempting the PTS pilot 25 program from the requirements of this section.

Justification: The PTS pilot is a test program. PTS tests require flexibility in installing, removing, turning on, and turning off the on-board equipment.

Section 236.551

Power supply voltage; requirement. Waiver is requested exempting the on-board PTS power supply from the voltage requirement in this section.

Justification: PTS on-board equipment will function with more than a 50% variation in voltage.

Section 236.552

Insulation resistance; requirement. Waiver is requested exempting PTS equipment from the insulation resistance requirement in this section.

Justification: PTS on-board equipment consists of computers, computer peripherals, 26 and communications

equipment. Insulation resistance tests could be damaging to such components.

Section 236.553

Seal, where required. Waiver is requested exempting PTS equipment from the seal requirement in this section.

Justification: The PTS system will allow for manual disablement of on-board PTS functions and equipment both remotely from the dispatching office and through an on-board manual function. Use of the on-board cutout function will be electronically monitored and reported to the dispatcher as an alarm.

Section 236.563

Delay time. Waiver is requested exempting PTS from the delay time requirement in this section.

Justification: The PTS braking algorithm continuously computes braking distance to the next speed restriction or point where a stop is required. Information from the signal system is not used in this function.

Section 236.566

Locomotive of each train operating in train stop, train control or cab signal territory; equipped. Waiver is requested to the extent that the equipment requirements in this section shall not apply to PTS during the test period.

Justification: The PTS pilot is a test program. A small subset of locomotives operating in the test territory will be PTS-equipped; the majority of trains will not be equipped. PTS tests require flexibility in installing, removing, turning on and turning off the on-board equipment. BN and UP also require the flexibility to permanently disable or remove PTS equipment.

Section 236.567

Restrictions imposed when device fails and/or is cut out enroute. Waiver is requested exempting PTS operations from the restrictions associated with device failure or cutout.

Justification: The PTS pilot is a test program requiring flexibility in installing, removing, turning on and turning off the on-board equipment. Since PTS is a safety overlay, a failure or deactivation of PTS equipment has the effect only of suspending the safety enhancements associated with PTS, without compromising the underlying safety provisions of existing systems and operating rules. If a PTS device fails, operations will continue in a normal mode. Moreover, the dispatcher is immediately notified if PTS equipment fails or is cut out eliminating any need for a reduction in speed.

Section 236.586

Daily or after trip test. Waiver is requested exempting the PTS pilot program from the test requirements of this section. Justification: The PTS pilot is a test program during which requirements for a daily or after-trip test, if necessary, will be defined. PTS equipment is many times more reliable than the equipment for which this regulation was promulgated.

Section 236.587

Departure test. Waiver is requested exempting the PTS pilot program from the test requirements of this section.

Justification: The PTS pilot is itself a test program during which the requirements for a departure test will be defined. Further, it is likely the departure test will be made without human intervention.

Section 236.588

Periodic test. Waiver is requested exempting the PTS pilot program from the test requirements of this section.

Justification: The PTS pilot is itself a test program during which the requirements for periodic testing will be defined.

Section 236.703

Aspect. Clarification is requested exempting the PTS display from this definition.

Justification: PTS is not an automatic cab signal system. The PTS design excludes any visual representation of signal aspects or indications.

Section 236.805

Signal, cab. Clarification is requested exempting the PTS display from this definition.

Justification: PTS is not an automatic cab signal system. The PTS design does not include any visual representation of signal aspects or indications.

Section 240.127

Criteria for examining skill performance. Waiver is requested exempting the PTS pilot 31 program from the testing procedures in this section.

Justification: The PTS pilot is itself a test program. Criteria and procedures for PTS performance evaluation do not yet exist; they will be determined during the program.

Section 240.129

Criteria for monitoring operational performance of certified engineers. Waiver is requested exempting the PTS pilot program from the performance monitoring procedures in this section.

Justification: The PTS pilot is itself a test program. Criteria and procedures for PTS performance evaluation do not yet exist; they will be determined during the program.

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 communications concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number H–95–4) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received within 45 days of publication 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.) in Room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on February 12, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–3556 Filed 2–15–96; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration (NHTSA)

Denial of Motor Vehicle Defect Petition

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 30162 of Title 49 of the United States Code.

On December 27, 1995, Mr. John Chevedden of Redondo Beach, California, submitted a petition asking NHTSA to require all 1973 through 1978 Chevrolet and GMC C/K pickup trucks to be retrofitted with a low cost gas tank guard. The agency previously investigated alleged safety-related defects in the fuel tanks of these General Motors Corporation C/K pickup trucks. This investigation was among the most complex, costly, and comprehensive ever undertaken by NHTSA. On December 2, 1994, Secretary of Transportation Federico Peña announced the settlement of NHTSA's