furnished to the applicant at the address listed above.

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

Issued in Washington, D.C. on October 1, 1997.

Grady C. Cothen, Jr.,

Deputy Associate Administrator, for Safety Standards and Program Development.

[FR Doc. 97–26543 Filed 10–6–97; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97–43; Notice 2]

American Honda Motor Company, Inc., Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 122

American Honda Motor Co., Inc., of Torrance, California (''Honda''), applied for a temporary exemption from the fade and water recovery requirements of Federal Motor Vehicle Safety Standard No. 122 *Motorcycle Brake Systems.* The basis of the application was that an exemption would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.

Notice of receipt of the application was published on July 31, 1997, and an opportunity afforded for comment (62 FR 41127). This notice grants the application.

Honda seeks an exemption of one year for its 1998 CBR1100XX motorcycle ''from the requirement of the minimum hand-lever force of five pounds in the base line check for the fade and water recovery tests.'' It wishes to evaluate the marketability of an ''improved'' motorcycle brake system setting which is currently applied to the model sold in Europe. The difference in setting is limited to a softer master cylinder return spring in the European version. Using the softer spring results in a ''more predictable (linear) feeling during initial brake lever application.'' Although ''the change allows a more predictable rise in brake gain, the on-set of braking occurs at lever forces slightly below the five pound minimum'' specified in Standard No. 122. Honda considers that motorcycle brake systems have continued to evolve and improve since Standard No. 122 was adopted in 1972, and that one area of improvement is brake lever force which has gradually been reduced. However, according to Honda, the five-pound minimum specification ''is preventing further development and improvement'' of brake system characteristics. This limit, when applied to the CBR1100XX, ''results in an imprecise feeling when the rider applies low-level front brake lever inputs.''

The machine is equipped with Honda's Linked Brake System (LBS) which is designed to engage both front and rear brakes when either the brake lever or the brake pedal is used. The LBS differs from other integrated systems in that it allows the rider to choose which wheel gets the majority of braking force, depending on which brake control the rider uses.

According to Honda, the overall braking performance remains unchanged from a conforming motorcycle. If the CBR1100XX is exempted, it will meet ''the stopping distance requirement but at lever forces slightly below the minimum.''

Specifically, Honda asked for relief from the first sentence of S6.10 *Brake application forces,* which reads:

> Except for the requirements of the fifth recovery stop in S5.4.3 and S5.7.2 (S7.6.3 and S7.10.2) the hand lever force is not less than five and not more than 55 pounds and the foot pedal force is not less than 10 and not more than 90 pounds.

Upon review of this paragraph, NHTSA determined that granting Honda's petition would require relief from different provisions of Standard No. 122, although S6.10 relates to them. Paragraph S6 only sets forth the test conditions under which a motorcycle must meet the performance requirements of S5. A motorcycle manufacturer certifies compliance with the performance requirements of S5 on the basis of tests conducted according to the conditions of S6 and in the manner specified by S7. In short, NHTSA believed that granting Honda's application would require relief from the performance requirements of S5 that are based upon the lever actuation force test conditions of S6.10 as used in the test procedures of S7.

These relate to the baseline checks under which performance is judged for the service brake system fade and fade recovery tests (S5.4), and for the water recovery tests (S5.7). According to the test procedures of S7, the baseline check stops for fade (S7.6.1) and water recovery (S7.10.1) are to be made at 10 to 11 feet per second per second (fpsps) for each stop. The fade recovery test (S7.6.3) also specifies stops at 10 to 11 fpsps. Test data submitted by Honda with its application show that, using a hand lever force of 2.3 kg (5.1 pounds), the deceleration for these stops is 3.05 to 3.35 meters per second per second, or 10.0 to 11.0 fpsps. This does not mean that Honda cannot comply under the strict parameters of the standard, but the system is designed for responsive performance when a hand lever force of less than five pounds is used. For these reasons, NHTSA interprets Honda's application as requesting relief from S5.4.2, S5.4.3, and S5.7.2.

Honda argued that granting an exemption would be in the public interest and consistent with objectives of traffic safety because it:

> * * * Should improve a rider's ability to precisely modulate the brake force at low-level brake lever input forces. Improving the predictability, even at very low-level brake lever input, increases the rider's confidence in the motorcycle's brake system.

No comments were received on the notice regarding the petition.

The distinctive motorcycle brake system setting which Honda seeks to evaluate in the United States is a ''new motor vehicle safety feature'' that can be evaluated in the field, as contemplated under the temporary exemption authority. Further, the level of safety provided should be at least equal to the level provided by Standard No. 122. NHTSA notes that Honda does not seek an exemption from the stopping distances specified in Column I of Table I (S7.3.1). Instead, Honda wishes approval to allow modulating the hand brake lever at a force of less than the five pound minimum specified in Standard No. 122. It asserts that the lower force to modulate the brake lever would improve the rider's control over the brake force. This improved control, and thus predictability over the brake's function, would also improve the rider's confidence in the brakes and motorcycle.

NHTSA concurs with Honda that new technology that may lead to greater rider control over the brake force thus resulting in reduced stopping distances and better crash avoidance is in the public interest, and consistent with efforts to improve traffic safety.

In consideration of the foregoing, it is hereby found that an exemption would facilitate the field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of Motor Vehicle Safety Standard No. 122, and that an exemption will be in the public interest and consistent with the objectives of 49 U.S.C. Chapter 301 *Motor Vehicle Safety.* Accordingly, American Honda Motor Company, Inc.

is hereby granted NHTSA Temporary Exemption 97–1, expiring September 1, 1998, from the following requirements incorporated in 49 CFR 571.122 Motor Vehicle Safety Standard No. 122 *Motorcycle Brake Systems:* S5.4.1 *Baseline check—minimum and maximum pedal forces,* S5.4.2 *Fade,* S5.4.3 *Fade recovery,* S5.7.2 *Water recovery test,* and S6.10 *Brake actuation forces.* As provided in 49 CFR § 555.6, under this grant of temporary exemption no more than 2,500 motorcycles exempted from Standard No. 122 may be sold in the United States in the period for which the exemption is granted.

(Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: October 1, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–26491 Filed 10–2–97; 9:33 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 33388 (Sub–Nos. 1–7)]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Notice of Availability of the Environmental Assessments for Three Norfolk Southern Railway Company (NS) Rail Line Constructions and Four CSX Transportation, Inc. (CSX) Rail Line Constructions Prior to the Surface Transportation Board's Decision on the Acquisition and Division of the Consolidated Rail Corporation (Conrail).

SUMMARY: The Surface Transportation Board (Board) gives notice of the availability of the environmental assessments (EA) and public comment period for three NS rail line constructions and four CSX rail line constructions. Although the EAs recommend several mitigation measures to off-set specific environmental effects, the EAs generally conclude that there will be no significant environmental impacts associated with the construction of these rail lines.

DATES: Written comments on the environmental impacts of Finance Docket No. 33388 (Sub-Nos. 1–7) are due October 27, 1997.

ADDRESSES: If you wish to file comments on the EAs, send an original and 10 copies to: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street, NW, Suite 700, Washington, DC 20423–0001. Mark the lower left corner of the envelope: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub-Nos. 1–7).

FOR FURTHER INFORMATION CONTACT: Dana White, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423–0001; (202) 565–1552. TDD for the hearing impaired: (202) 565–1695. Copies of the EAs may also be obtained by contacting Ms. White.

SUPPLEMENTARY INFORMATION: On April 10, 1997, CSX, NS and Conrail filed their notice of intent to file an application seeking the Board's authorization for: (1) The acquisition by CSX and NS of control of Conrail, and (2) the division of Conrail's assets. Shortly afterwards, NS and CSX requested and received approval from the Board to seek the Board's authority to construct and operate seven rail line connections prior to the Board's decision on the acquisition and division of Conrail.

The seven rail line constructions are each relatively short (a total length of under 4 miles), would provide connections between two rail carriers, and would take place within existing rights-of-way. Early authorization to construct these connections, CSX and NS contended, would allow them to provide efficient service in competition with each other. However, no construction can occur until the Board completes its environmental review of each of the construction projects. Further, the Board advised CSX and NS that they were proceeding at their own risk in expending resources prior to the Board's decision on the acquisition transaction.

In seven separate EAs, the Board considered the environmental aspects of these proposed constructions and the railroads' proposed operations over these lines. The operational implications of the acquisition as a whole, including operations over the roughly 4 miles of line embraced by the seven connection projects, will be examined in the environmental impact statement being prepared to assess the impacts of the entire acquisition transaction.

On October 7, 1997, the Board served the EAs on Federal, state and local agencies and members of the affected communities. Although the EAs recommend several mitigation measures to off-set specific environmental effects, the EAs generally conclude that there will be no significant environmental impacts. There is a 20-day public comment period ending October 27, 1997. The Board will consider the findings of the EAs as well as any comments on the EAs in its decision to approve or deny the construction of each of these lines.

The following is a list of the EAs, the locations of the proposed rail line constructions, the railroads, and their sub-docket numbers within the primary Finance Docket Number 33388 for the proposed acquisition:

ENVIRONMENTAL ASSESSMENTS FOR SEVEN RAIL LINE CONSTRUCTIONS

Location	Railroad	Finance docket 33388
Crestline, OH	CSX	(Sub No. 1)
Willow Creek, IN	CSX	(Sub No. 2)
Greenwich, OH	CSX	(Sub No. 3)
Sidney Junction, OH.	CSX	(Sub No. 4)
Sidney, IL	NS	(Sub No. 5)
Alexandria, IN	NS	(Sub No. 6)
Bucyrus, OH	NS	(Sub No. 7)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 97–26542 Filed 10–6–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 573]

Rail Service in the Western United States

AGENCY: Surface Transportation Board.

ACTION: Notice of proceeding and public hearing.

SUMMARY: The Surface Transportation Board (Board) is instituting a proceeding and will hold a public hearing on October 27, 1997, at its offices in Washington, DC, to provide interested persons the opportunity to report on the status of rail service in the western United States and to review proposals for solving the service problems that exist.

DATES: Persons wishing to appear at the hearing and make a statement must submit their request to speak at the hearing, and their requested time allotment, by October 9, 1997. The Board will issue a schedule for the hearing, along with a list of speakers