

1996 at 11:30 am at the Sheraton Inn Midway, 400 North Hamline Avenue, Saint Paul, Minnesota to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Edward A. Daum, District Director, U.S. Small Business Administration, 610-C Square, 100 North Sixth Street, Minneapolis, Minnesota 55403, (612) 370-2306.

Dated: January 18, 1996.

Art DeCoursey,

*Director, Office of Advisory Council.*

[FR Doc. 96-1080 Filed 1-24-96; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of Jet Aspen, Inc. for Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Order to Show Cause (Order 96-1-16) Docket OST-95-689.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Jet Aspen, Inc., fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate scheduled air transportation of persons, property, and mail.

**DATES:** Persons wishing to file objections should do so no later than February 5, 1996.

**ADDRESSES:** Objections and answers to objections should be filed in Docket OST-95-689 and addressed to the Documentary Services Division (C-55, Room PL-401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Carol A. Woods, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: January 19, 1996.

Patrick V. Murphy,

*Deputy Assistant Secretary for Aviation and International Affairs.*

[FR Doc. 96-1154 Filed 1-24-96; 8:45 am]

BILLING CODE 4910-62-P-M

## Federal Railroad Administration

### Petition for Waivers of Compliance

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

Southern California Regional Rail Authority (SCRA)

According to SCRA, because of increasing ridership, the failure of a contractor to produce commuter cars for Caltran and a 15 to 20 month lead time to procure new cars, SCRA has arranged to lease up to 14 bi-level passenger cars from GO Transit of Toronto, Ontario. SCRA presently owns and operates 94 bi-level cars over Metrolink, a regional rail network which links downtown Los Angeles, California, and surrounding counties. The GO Transit cars being leased are nearly identical to the 94 cars already owned by SCRA. The term of the lease is projected to extend over an 18 month period (January 1996 through July 1997). SCRA states it intends to use GO Transit cars in concert with SCRA control cars to ensure American Disability Act (ADA) compliance.

SCRA seeks waivers of compliance from certain sections of the FRA regulations which are described herein.

FRA Docket Number SA-96-1

SCRA is requesting that it be permitted to operate GO Transit bi-level commuter passenger cars which do not fully comply with the Railroad Safety Appliance Standards (49 CFR Part 231). Section 231.14(b)(2) ("Passenger-train cars without platforms") requires that the top tread of the sill step have a minimum clear depth of 8 inches. Section 231.14(c)(3) requires that the side corner handholds be located specifically in relation to the center line of the coupler. SCRA says that these safety appliances may not be properly configured.

FRA Docket Number RSGM-96-1

The SCRA seeks a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for the GO Transit passenger cars. The glazing material installed in the cars is manufactured to CSA-D263-1972 and American National Standards Institute's (ANSI) Safety Glazing Materials for Glazing Motor Vehicles

Operating on Land Highways (ANSI Z76.1-1983). The side facing and end facing glazing material are not in compliance with 49 CFR Section 223.15.

Interested parties are invited to participate in these proceedings by submitting written reviews, 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 these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number SA-96-1) and must be submitted in triplicate to the Docket Clerk, Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received within 30 days of the date 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 January 19, 1996.

Phil Olekszyk,

*Deputy Associate Administrator for Safety Compliance and Program Development.*

[FR Doc. 96-1230 Filed 1-24-96; 8:45 am]

BILLING CODE 4910-06-M

## National Highway Traffic Safety Administration

### Denial of Motor Vehicle Defect Petition From Douglas Bell

This notice sets forth the reasons for denial of a petition submitted to the NHTSA under 49 U.S.C. 30162(a)(2) (formerly section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended).

In August 1995, Mr. Philip G. Vermont, an attorney in Pleasanton, California, submitted a petition to the National Highway Traffic Safety Administration (NHTSA), on behalf of petitioner Mr. Douglas Bell, and others. The petitioner requested that NHTSA order the recall of certain motor vehicles produced by the Nissan Motor Company, Limited (Nissan) for remedy of an alleged safety-related defect regarding the crashworthiness of those

vehicles. Specifically, Mr. Bell alleged that the floor pans of the occupant compartments in 1983 through 1986 model Nissan Pulsar vehicles are defective in that they provide inadequate resistance to crush and deformation during a frontal crash. To remedy this alleged defect, the petitioner requested that NHTSA issue an order requiring Nissan to:

- a. repurchase, repair, recall or strengthen the floor pans of all Pulsar model vehicles currently in use in the United States;
- b. reimburse the owners of the subject Pulsar vehicles for all damages sustained by their vehicles and other property as a result of the alleged defect; and
- c. notify all owners of the subject Pulsar models of the existence of the alleged defect.

The petitioner furnished materials to establish the existence of the alleged defect and its potential safety related consequences, including the following:

- A copy of a decision issued by the Court of Appeals, 4th Circuit, State of Louisiana, in the matter of *Page v. Gilbert*, (1992). The documentation describes an incident that occurred in January 1983 when a vehicle crashed head-on into a 1983 Pulsar NX. The record supports the conclusion that both vehicles were traveling between 35 and 45 miles per hour (mph). A jury found for the plaintiff and attributed 70 percent of the plaintiff's injuries to the alleged design defect in the floor pan of the Pulsar vehicle. The court stated that the Pulsar was defective because ". . . the longitudinal member (beam) under the driver's seat and in the instant crash buckled up under the driver's seat thrusting the driver forward and up into the dash."

- The testimony of Dr. Ronald Houston, a mechanical engineer, who stated in the *Page* case that the force of the accident caused compression of the occupant area, impacting the plaintiff's knees and pelvic area and causing serious injuries.

- A description of a collision that occurred in July 1987, involving a 1983 Pulsar being driven by Mr. Max Brown, which crashed head-on into a 1979 Lincoln vehicle. Occupants of the Pulsar sustained serious injuries. This incident was also evaluated by Dr. Ronald Houston, who concluded that the Pulsar had experienced a barrier equivalent velocity change of approximately 25 mph.

- A discussion involving a third frontal collision, in this instance a 1985 Pulsar operated by Shelley Metcalf. The petitioner alleges that this incident resulted in the same type of passenger compartment deformation and collapse as had occurred in the *Page* and *Brown* cases.

- An allegation involving the use of defective cold rolled steel in the manufacture of the Pulsar floor pan. The petitioner alleges that the design of the floor pan exposes the front passenger to a greater risk of injury than the driver in the event of a frontal collision. The petitioner also alleges that a frontal vehicle structure used by Cornell Aeronautical Laboratories in a 1972 crash test of an Experimental Safety Vehicle (ESV) for

NHTSA was a prototype for the structure subsequently used in the Pulsar production, and that the structure and floorpan had performed poorly in those crash tests.

By letter dated October 24, 1995, Nissan submitted to this agency an unsolicited response to the subject petition. Nissan's submittal provided certain details regarding the design and structure of the Pulsar, as well as extensive analysis of the comparative crash test performance of the Pulsar with that of several other vehicles in a variety of size, weight and use categories. In addition, these other significant issues were raised by Nissan:

- Except for those cited in the subject petition, no other accidents, injuries, and/or lawsuits are known to Nissan in which the Pulsar floor pan was alleged to have been defective.
- Estimates of crash severity in the lawsuits cited were issues of disagreement. It appears, however, that the Pulsar's velocity change ( $\Delta v$ ) in the *Page* case may have been as high as 40 mph, and on the order of 35 mph in the *Brown* case. In the *Metcalf* case, the Pulsar's speed was unknown when it crashed into a second vehicle reportedly traveling at 40-45 mph.
- The frontal vehicle structure used in ESV tests in 1972 was not a prototype structure for the Pulsar production models.

The subject Pulsar vehicle is a subcompact, front-wheel drive vehicle, and was first sold in the United States in the 1983 model year. It has a published curb weight of 1850 to 2050 pounds, and was produced as a two-door coupe, a three-door hatchback, and a five-door hatchback. Approximately 200,000 of these vehicles were sold during the model years in question.

The Pulsar's body structure is of contemporary monocoque, or unibody, design. Consistent with the basic design philosophy applied throughout the motor vehicle industry, the Pulsar body structure is designed to deform and crush to absorb the energy of a collision and to protect its occupants against the transfer of crash forces that would otherwise result in more severe injuries. In a frontal crash, impact forces are absorbed by several components of the body structure, including the frame, roof pillars, the body and roof sills, structural cross members, and the floor pan. In addition, the hood, and front and side body panels are all designed to crush to absorb impact energy, while maintaining to the extent possible, the integrity and volume of the occupant compartment. The degree to which the crash energy can be effectively managed depends upon the severity of the impact.

Nissan challenged the petitioner's statement regarding the use of cold rolled steel for fabrication of Pulsar floor

pans, and stated that it is common industry practice to do so. On the matter of deformation and crush of the vehicle structure during impact, Nissan pointed out that the use of a body structure that is so rigid that it does not crush could actually pose a greater risk to the safety of vehicle occupants during a collision. By absorbing less of the crash energy, a more rigid body structure would subject the vehicle occupants to greater risk of injury during the higher decelerations.

Nissan argued that the floor pan of the vehicle represents one component of a complete structure and that to consider deformation of the floor pan alone during impact is meaningless. NHTSA agrees with that assessment. Information and data to conduct such an evaluation are available through crash test results from Federal Motor Vehicle Safety Standards (FMVSS) compliance tests, the New Car Assessment Program (NCAP) tests, and accident data files maintained by the National Center for Statistics and Analysis (NCSA).

In the *Page* case, the court noted that there was no dispute that the Pulsar had passed the FMVSS's in effect at the time of its production. Nissan reviewed this issue further and presented data that compared the FMVSS No. 204 (Steering Control Rearward Displacement) compliance test results of the 1983 Pulsar with those of nineteen other vehicles of various size and weight categories. These 30 mph frontal, fixed-barrier tests, which included measurement of front-end crush and maximum longitudinal decelerations ( $g$ 's) at two points on the vehicle floor, disclosed no indication of unusually poor performance of the Pulsar as compared to that of the other vehicles. As such, these test results do not suggest that the Pulsar's unibody structure, including the floor pan, deform in such a way so as to pose an unusual risk of injury to its occupants.

The Nissan Pulsar of the model years under consideration has also been subjected to NCAP tests which involved frontal, fixed-barrier crashes at 35 mph while carrying instrumented anthropomorphic dummies. NCAP tests are significantly more severe than the barrier tests performed to determine compliance with FMVSS No. 208 (Occupant Crash Protection).

The NCAP test requires absorption of 36 percent more crash energy than the 30 mph compliance test, and produces an average total instantaneous change in velocity of the vehicle ( $\Delta v$ ) of approximately 40 mph (including vehicle rebound from the barrier). NCAP test results for a 1983 Nissan Pulsar were compared to similar results from the tests of a 1984 Toyota Corolla, a

1984 Honda Civic, and a 1984 Toyota Tercel. These vehicles are considered peers since they are of comparable size, weight, and utility. In reviewing the NCAP results, which provide measurements of Head Injury Criteria (HIC), chest g's, and femur loads for both driver and front passenger dummies, there is no indication that the Pulsar's performance presents a greater risk of injury or fatality to its occupants than that of any of the peer vehicles.

The validity of NCAP test data in assessing real-world crashworthiness of motor vehicles is well established. NHTSA's December 1993 report to the Congress on this matter presents the results of detailed analyses that show high correlations between NCAP test results and real world accident data contained in the NCSA's individual state accident investigation files, the National Accident Sampling System (NASS) data files, and the Fatal Accident Reporting System (FARS) files.

FARS data accumulated from 1983 through 1994 for the 1983-1986 Pulsar were reviewed and compared with similar data for the Honda Civic/CRX and Toyota Corolla of the same model years. During that period, occupants of 1983-1986 model year Pulsars sustained a total of 219 fatal injuries in head-on crashes for the cumulative population of 196,600 vehicles. Of these, 72 percent (157 fatalities) were sustained by the driver, and the remaining 28 percent (62 fatalities) were sustained by passengers, in most cases seated in the right front position. These data do not support the petitioner's claim that the design of the Pulsar floor pan exposes the front passenger to a greater fatality risk than the driver.

Fatality rates for the Pulsar, Corolla, and Civic/CRX models were normalized for the cumulative numbers of these vehicles in service, and then compared. This revealed that 544 fatalities were sustained by occupants of the population of 621,800 Corolla models, and for the total population of 743,400 Honda Civic/CRX, 759 fatalities were sustained. These data were analyzed by comparing the respective numbers of fatalities per 100,000 vehicles in service for each model, for each year of exposure. Although the Pulsar demonstrated a slightly higher average rate (10.86) for the twelve exposure years than the Civic/CRX (9.49) or the Corolla (8.53), there was no pattern of a consistently higher annual rate for any of the three models. These data do not show that occupants of Pulsar vehicles have been exposed to a greater historical risk of fatality than occupants of these peer vehicle models.

In consideration of the foregoing, NHTSA has concluded that there is no reasonable possibility that an order for the notification and remedy of a safety-related defect would be issued at the conclusion of an investigation into the performance of the floor pan installed in the subject vehicles. Based on its analysis of pertinent data, NHTSA could find no support for the petitioner's contention that a safety-related defect exists by virtue of the design or performance of this component. Further commitment of agency resources to examine this issue does not appear to be warranted. The petition is therefore denied.

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

Issued on: January 22, 1996.

Michael B. Brownlee,

*Associate Administrator for Safety Assurance.*

[FR Doc. 96-1229 Filed 1-24-96; 8:45 am]

BILLING CODE 4910-59-P

#### Surface Transportation Board<sup>1</sup>

[Finance Docket No. 32793]

#### **Naugatuck Railroad Company, Inc.; Operation Exemption; The State of Connecticut**

Naugatuck Railroad Company, Inc. (NAUG), has filed a notice of exemption to operate 19.6 miles of rail line owned by the State of Connecticut (Connecticut) from Waterbury, CT, at NAUG milepost 0.0, an interchange point with Springfield Terminal Railway Company (ST), to Torrington, CT, at NAUG milepost 19.6, the end of the track. NAUG will replace ST, which has been operating the line, and will become a class III rail carrier. The parties expected to consummate the proposed transaction on December 29, 1995, the effective date of the exemption.

Any comments must be filed with the Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423 and served on: Walter A.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901. Therefore, this notice applies the law in effect prior to the Act.

Stapleton, Naugatuck Railroad Company, Inc., 143A Green Mountain Road, Claremont, NH 03743.

This notice is filed under 49 CFR 1150.31. 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) (formerly 10505(d)) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 19, 1996.

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

Vernon A. Williams,

*Secretary.*

[FR Doc. 96-1214 Filed 1-24-96; 8:45 am]

BILLING CODE 4915-00-P

[Finance Docket No. 32850]

#### **Tulsa-Sapulpa Union Railway Company, L.L.C.; Acquisition and Operation Exemption; Union Holding Corp.**

Tulsa-Sapulpa Union Railway Company, L.L.C., a noncarrier, has filed a notice of exemption to acquire from Union Holding Corp., formerly Tulsa-Sapulpa Union Railway Company, and operate approximately 13 miles of rail line from milepost 0.0 at Tulsa to the end of the line at milepost 10.0 at Sapulpa, in Tulsa and Creek Counties, OK. The parties stated that they expected to consummate the transaction on or about December 29, 1995.<sup>2</sup>

Any comments must be filed with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. A copy of any pleading filed with the Board should be served on applicant's representative: Robert A. Curry, 2400 First Place Tower, 15 East Fifth Street, Tulsa, OK 74103-4391.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901. Therefore, this notice applies to the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup> Pursuant to 49 CFR 1150.32(b), this transaction could not actually be consummated until effectiveness of the exemption on January 2, 1996—7 days after the filing date of the notice.