

manufactured approximately 1,438 1996 and 1997 model year Flair brand motor homes having front side windows with a luminous transmittance of 62 percent and approximately 188 Bouncer brand motor homes and 733 Discovery brand motor homes, also of model years 1996 and 1997, having double panes of the same glazing in the front side windows. Fleetwood reported a luminous transmittance of 41 percent for the dual pane application. Beginning with vehicle production in January, 1997, front side windows with a luminous transmittance of greater than 70 percent have been installed in all Fleetwood motor homes.

Fleetwood supports its application for inconsequential noncompliance with the following:

Fleetwood considered a Ford Motor Company inconsequentiality petition that references computer modeling studies and in-car evaluations conducted by Ford Motor Company that were used in their petition dated February 6, 1995 which showed a 5 point reduction in the percentage of light transmission, from 65 to 60 percent, resulted in a reduction of seeing distance of only 1 to 2 percent during night time driving, and little or no reduction in seeing distance during dusk and daytime driving. Based on these studies, the subject Flair brand motor home driver and passenger side windows with 62 percent light transmittance would be expected to result in no significant reduction in seeing distance during night time driving and virtually no reduction during dusk and daytime driving, compared to glass with a 70 percent transmittance. Reductions in seeing distances of 1 percent or less have no practical or perceivable effect on driver visibility based on observer's reports in vehicle evaluations by Ford of windshields with line-of-sight transmittance in the 60 to 65 percent range. The subject Bouncer and Discovery brand motor home driver and passenger side windows with 41 percent light transmittance would be expected to result in no significant reduction in seeing distances during night time driving, and little to no reduction in seeing distance during dusk and daytime driving.

Fleetwood also considered that the stated purpose of FMVSS No. 205 to which the light transmittance requirements are directed is "to ensure a necessary degree of transparency in motor vehicle windows for driver visibility." NHTSA, in its March, 1991 "Report to Congress on Tinting of Motor Vehicle Windows", concluded that the light transmittance of windows of the

then new passenger cars and vans that complied with Standard No. 205 did not present an unreasonable risk of accident occurrence. The new passenger cars and vans that were considered to not present an unreasonable risk had effective line-of-sight light transmittances through the windshields as low as approximately 63 percent on passenger car windshields and 55 percent on van windshields (as determined by a 1990 agency survey, the results of which were included in the Report to Congress). Fleetwood feels that while light transmittance and driver visibility through front side windows is important to the safe operation of motor homes, it is not as important as driver visibility through motor home windshields. Therefore, while the use of front side window glazing with luminous transmittance less than 70 percent is technically a non-compliance, we believe the condition presents no risk to motor vehicle safety.

Fleetwood's opinion that this non-compliance is not safety related is also based upon the consideration of the great amount of visibility that is inherent in the driver packaging of the subject motor homes. Factors which contribute to this visibility are:

1. The windshield glass is approximately 100 inches wide by 36 inches tall.
2. The windshield glass is installed at an incidence angle of 4 degrees back from vertical.
3. The involved side window glass on the Flair and Bouncer brand motor homes is approximately 46 inches long by 31 inches tall. The involved side window glass on the Discovery brand motor home is approximately 52 inches long by 34 inches tall.
4. The involved side window glass is flat and is installed perpendicular to the ground.
5. The driver's seat H point ranges from approximately 50 to 62 inches from the ground.
6. The involved windows have a slider feature which allows them to be positioned out of line of sight (if desired), and
7. Side window visibility is primarily key in sharp turning maneuvers which are typically performed at low speeds.

Interested persons are invited to submit written data, views, and arguments on the application of Fleetwood, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted. All comments received before the close of

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

Comment closing date: (July 16, 1997).
(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 10, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-15709 Filed 6-13-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 189X)]

Norfolk and Western Railway Company—Abandonment Exemption— in McDowell County, WV

Norfolk and Western Railway Company (NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.0-mile line of railroad between milepost NF-0.0 at Norfolk, and milepost NF-1.0 at Buzzards Creek Junction, WV. The line traverses United States Postal Service Zip Code 24868.

NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over 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 July 16, 1997, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by June 26, 1997. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 7, 1997, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by June 20, 1997. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NW shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by

¹ 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.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$900. See 49 CFR 1002.2(f)(25).

³ 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.

NW's filing of a notice of consummation by June 16, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: June 9, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-15712 Filed 6-13-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

[Treasury Directive Number 16-22]

Withdrawals From Trust and Deposit Fund Accounts; Authority Delegation

Dated: June 5, 1997.

1. *Delegation.* By virtue of the authority granted to the Fiscal Assistant Secretary by Treasury Order (TO) 101-05, the Commissioner, Bureau of the Public Debt, is delegated the authority to approve schedules for withdrawals from all trust and deposit fund accounts administered by the Bureau of the Public Debt for the Secretary of the Treasury.

2. *Redelegation.* The Commissioner, Bureau of the Public Debt, may redelegate this authority in writing to officials of the Bureau of the Public Debt, and it may be exercised in the individual capacity and under the individual title of each official receiving such authority.

3. *Authorities.* TO 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

4. *Cancellation.* Treasury Directive 16-22, "Withdrawals from Trust and Deposit Fund Accounts," dated October 22, 1992, is superseded.

5. *Expiration Date.* This Directive expires three years after the date of issuance unless superseded or cancelled by that date.

6. *Office of Primary Interest.* Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Public Debt.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 97-15708 Filed 6-13-97; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

[General Counsel Designation No. 232]

Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101-5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board:

(1) For the General Counsel Panel—
Neal S. Wolin, Deputy General Counsel, who shall serve as Chairperson;
Russell L. Munk, Assistant General Counsel (International Affairs);
Stephen J. McHale, Chief Counsel, Bureau of Alcohol, Tobacco & Firearms;
Robert M. McNamara, Jr., Assistant General Counsel (Enforcement);
Kenneth R. Schmalzbach, Assistant General Counsel (General Law and Ethics); and
Elizabeth B. Anderson, Chief Counsel, United States Customs Service.

(2) For the Internal Revenue Service Panel—
Chairperson, Deputy Chief Counsel, IRS;
Deputy General Counsel;
Two Associate Chief Counsel, IRS; and
Two Regional Counsel, IRS.

I hereby delegate to the Chief Counsel of the Internal Revenue Service the authority to make the appointments to the IRS Panel specified in this Designation and to make the publication of the IRS Panel as required by 5 U.S.C. 4314(c)(4).

Dated: June 9, 1997.

Edward S. Knight,

General Counsel.

[FR Doc. 97-15707 Filed 6-13-97; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 23

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed