

air bag-related fatality rates for the subject vehicles compared with various other vehicles is discussed below.

Adjusting for exposure, the subject vehicles do not have the highest driver air bag-related fatality rates, even though they have more individual fatalities than other vehicles. For example, the MY 1990-93 Taurus shows a lower driver air bag fatality rate per million registered vehicle years (0.80) than the MY 1990-91 Cadillac El Dorado (4.57), MY 1990-92 Pontiac Firebird (2.20), MY 1993-94 Toyota Tercel (1.82), MY 1989-93 Dodge Daytona (1.16), MY 1994 Ford F150 (0.95) and the MY 1990-96 Mazda Miata (1.28). Similarly, the rate of the MY 1991-93 Corsica (2.18), while higher than that of the Taurus, is lower than that of the El Dorado and Firebird. Thus, the data indicate that the rates for many vehicles, while subject to the uncertainties due to the extremely limited amount of data, are as high or higher than those of the subject vehicles. Furthermore, adding corporate siblings to the rate calculation for each of the above subject vehicles brings down the rate for each of them, since there have been no air bag-related fatalities in either of those siblings.

The IIHS analysis of child passenger deaths (excluding rear-facing infant seats because the injury mechanism is different) reveals that models other than the Chrysler minivans present the highest air bag-related fatality rates per million registered vehicle years. The highest is the MY 1995-96 Hyundai Sonata (29.01) followed by the MY 1995-96 Isuzu Trooper (22.94), the MY 1995-96 Hyundai Accent (13.32), the MY 1995-96 Toyota Avalon (8.86), the MY 1993-94 Lexus LS400 (7.41), the MY 1995 Geo Metro (6.90), and the MY 1995-96 Mazda Protege (6.76). The highest rate for one of the subject Chrysler minivans is 6.67 deaths per million registered vehicle years for the MY 1996 Dodge Caravan and the rate is 3.48 for the MY 1996 subject minivans as a whole. The rate for the MY 1994-95 Dodge Caravan is 3.88 and for the MY 1994-95 Plymouth Voyager is 2.52, while the overall rate for the MY 1994-95 Chrysler minivans is 3.06. Again, as with the driver air bag-related fatalities, the data indicate that the rates for many vehicles, while subject to the uncertainties due to the extremely limited amount of data, are as high or higher than those of the subject vehicles.

Using the known deaths and the registered vehicle years for each model, and the grouping of models, model years and siblings as listed in the IIHS letter, NHTSA applied a statistical test

to ascertain whether any of the subject vehicles is over-represented compared with all other vehicles (compared as a single group) having at least one air bag-related fatality. The data do not demonstrate that any subject vehicle is over-represented.

IIHS also provided crash data concerning the likelihood of the air bags in the subject vehicle deploying in crashes, compared with the air bags in other vehicles. Based on insurance crash data, the rates of air bag deployments per 100 collision claims in frontal crashes are essentially the same for the subject vehicles as for several other identified models. In its December 20, 1996 letter, the IIHS reports, "The deployment rates per 100 collision claims for 1990-93 Ford Taurus/Mercury Sable models are no different from those for the 1992-96 Toyota Camrys or 1994-96 Honda Accords." The rate per 100 collision claims for the MY 1990-93 Taurus/Sable is 12, for the MY 1991-93 Corsica/Beretta is 10, for the MY 1992-96 Camry is 12, and for the MY 1994-96 Accord is 12. The same holds true for the Chrysler minivans. The rate per 100 collision claims for the individual models of the MY 1994-95 Chrysler minivans ranges from 6 to 9 and for MY 1996 Chrysler minivans ranges from 8 to 11. By comparison the rate for the MY 1995-96 Ford Windstar is 22 (The IIHS did not provide data for any other non-Chrysler minivan).

Findings

1. When adjusted for exposure, the air bag-related fatality rates for the subject vehicles are not statistically different from the air bag-related fatality rates for non-subject vehicles.

2. NHTSA's SCI reports indicate that the average change in velocity for the crashes leading to air bag-related fatalities in the subject vehicles is not significantly different from the change in velocity in crashes in which there were air bag-related fatalities in non-subject vehicles.

3. NHTSA's SCI reports indicate that in the air bag-related fatal crashes involving the subject vehicles, the average change in velocity is within the design range specified by each manufacturer.

4. The NASS data indicates that the air bags in many non-subject vehicles have deployed in crashes having a 7 mph or less change in velocity. Those crashes involved over 70 non-subject model vehicles.

5. IIHS data show that the subject vehicles have rates of air bag deployments per 100 collision claims that are similar to that of many other vehicles.

Based on the information available at the present time, there is no reasonable possibility that an order concerning the notification and remedy of a safety-related defect in the 1990 through 1992 Ford Taurus, the 1991 and 1992 Chevrolet Corsica, or the 1994 through 1996 Chrysler minivan vehicles would be issued at the conclusion of an investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

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

Issued on: July 28, 1997.

Kenneth N. Weinstein,

Associate Administrator for Safety Assurance.

[FR Doc. 97-20295 Filed 7-31-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Notice 97-6]

Safety Advisory: Certified IM 101 and IM 102 Steel Portable Tanks With Bottom Outlets Without Internal Discharge Valves or Shear Sections

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Safety advisory notice; correction.

SUMMARY: RSPA published a safety advisory notice in the **Federal Register** (62 FR 37638) under notice 97-6 on July 14, 1997. The words "capable of being closed from a location" were inadvertently omitted in the advisory notice for material quoted from 49 CFR 173.32c(g)(2). This document corrects this error and, for the convenience of readers, reprints the text of the July 14, 1997 notice in its entirety, as follows:

This is to notify owners and users of DOT specification IM 101 and IM 102 portable tanks with filling or discharge connections below the normal liquid level that these tanks may be used for shipping hazardous materials only if they have internal discharge valves and shear sections. Internal discharge valves and shear sections are safety devices required on the bottom-outlets of IM portable tanks in hazardous material service to prevent significant release of lading when damage is sustained at the filling/discharge connection. Without those safety features, damage to a bottom outlet is far more likely to result in loss of a tank's entire lading.

FOR FURTHER INFORMATION CONTACT: Douglas S. Smith, telephone, (202) 366-4700, Office of Hazardous Materials Enforcement, or Charles Hochman, telephone (202) 366-4545, Office of Hazardous Materials Technology, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: During compliance inspections in Southern Louisiana, inspectors from the RSPA's Office of Hazardous Materials Enforcement have observed portable tanks marked and certified as meeting DOT specifications IM 101 and IM 102 that had bottom outlets, but no internal discharge valves or shear sections. Until January 1, 1997, the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-180) did not specifically require internal discharge valves or shear sections for IM 101 or IM 102 portable tanks with bottom outlets. See RSPA's final rule under Docket No. HM-181H, 61 FR 50628 (September 26, 1996), amending 49 CFR 178.270-12(a) effective January 1, 1997, and the discussion in the preamble to the final rule, 61 FR 50621, and the notice of proposed rulemaking, 61 FR 33223 (June 26, 1996).

The HMR provide that a hazardous material may *not* be loaded in an IM portable tank with filling or discharge connections located below the normal liquid level of the tank unless:

(1) Each filling or discharge connection located below the normal liquid level of the tank has at least two serially-mounted closures consisting of an internal discharge valve and a bolted blank flange or other suitable, liquid-tight closure on each filling or discharge connection; or

(2) When this paragraph [173.32c(g)(2)] is specified for a hazardous material through [a special provision in] § 171.102(c)(7) of [the HMR], each filling or discharge connection located below the normal liquid level of the tank, or compartment thereof, has three serially-mounted closures consisting of an internal discharge valve capable of being closed from a location remote from the valve itself, an external valve, and a bolted blank flange or other suitable liquid-tight closure on the outlet side of the external valve.

49 CFR 173.32c(g).

Accordingly, an IM 101 or IM 102 portable tank with a bottom outlet may *not* be filled with any hazardous material if it does not have an internal discharge valve and shear section. Because the primary purpose of certifying any packaging to a DOT specification or performance standard is to authorize that packaging to be used for transporting a hazardous material, RSPA believes it is appropriate to fully

inform all owners and users of IM portable tanks that certain of these tanks exist that may not be filled with hazardous materials.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97-20223 Filed 7-31-97; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Finance Docket No. 32759]

Genesee & Wyoming, Inc.— Continuance in Control Exemption— Portland & Western Railroad, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: Genesee & Wyoming, Inc., formerly Genesee & Wyoming Industries, Inc., is exempted, under 49 U.S.C. 10505 (now 49 U.S.C. 10502), from the prior approval requirements of 49 U.S.C. 11343-45 (now 49 U.S.C. 11323-25) to control Portland & Western Railroad, Inc., a Class III rail carrier.

DATES: This exemption will be effective on August 31, 1997. Petitions to stay must be filed by August 11, 1997. Petitions to reopen must be filed by August 21, 1997.

ADDRESSES: Send pleadings referring to Finance Docket No. 32759 to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565-1600. (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1925 K Street, NW., Suite 210, Washington, DC 20006. Telephone: (202) 289-4357. (Assistance for the hearing impaired is available through TDD services (202) 565-1695.)

Decided: July 22, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-20229 Filed 7-31-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning July 1, 1997, the rates will be 8 percent for overpayments and 9 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: July 1, 1997.

FOR FURTHER INFORMATION CONTACT:

Ronald Wyman, Accounting Services Division, Accounts Receivable Group, 6026 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 298-1200, extension 1349.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less, and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter. The rates of interest for the fourth quarter of fiscal year (FY) 1997 (the period of July 1-September 30, 1997) will be 8 percent for overpayments and 9 percent for underpayments. These rates will remain in effect through September 30, 1997, and are subject to change for the first quarter of FY-1998