mandating the use of two-way EOT's in these low tonnage trains is not supported either by Congressional intent or by meaningful safety data.

ASLRA believes this requirement will significantly burden a number of small railroads with added expense and requests that FRA issue a general waiver with the following conditions: (1) The general waiver would apply to railroads which had two million or fewer man hours in 1995; (2) It would exempt train operations involving not more than 15 loaded cars or not more than 30 empty cars from the two-way EOT requirement; (3) Advance written notification to FRA by any small railroad wishing to claim the coverage of this general waiver would be required.

ASLRA concludes that the 15 loaded/30 empty car general waiver request will not compromise safety and is within the specific language of the statute and consistent with the requirements of the Small Business Regulatory Enforcement Act of 1996.

McCloud Railway Company (Waiver Petition Docket Number PB–97–3)

The McCloud Railway Company seeks a permanent waiver of compliance from certain provisions of the Railroad Power Brakes and Drawbars regulations, 49 CFR Part 232, section 23, concerning the requirements of two-way EOT devices.

Title 49 CFR 232.23(e)(6) states: ''Local trains as defined in paragraph (a)(3) of this section that do not operate over heavy grades'' are excepted from the requirements for the use of a two-way EOT device. The McCloud Railway Company operates short trains that meet the requirements of a ''local train'' as defined in Section 232(a)(3), but they operate over ''heavy grades'' as defined in Section 232.23(a)(1). Because they operate over ''heavy grades'', they are required to equip all of their trains with a two-way EOT device.

Since the McCloud Railway Company operates with short train lengths, their operating personnel cannot think of any instances where a two-way EOT device will provide a safer or more effective operation. Therefore, they seek relief from having to equip their trains with a two-way EOT device with the following restrictions: (1) Trains would be limited to 10 loaded cars per locomotive with a maximum of 20 loaded cars per train; except when trains operate with more than 50 percent of the cars empty, the train would be limited to 28 cars. (2) All locomotives must be equipped with properly functioning dynamic braking.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number PB–97–3 or PB–97–12) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, S.W., Mail Stop 10, Washington, D.C. 20590. Communications received within 30 days of the date 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 (9:00 a.m.–5:00 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Technical Conference

In order to further explore the issues attendant to the ASLRA and McCloud Railroad petitions, FRA will hold a technical conference in which all interested parties are invited to participate. The technical conference, which will be an informal meeting in which a free exchange of ideas will be encouraged, is hearby set for 10:00 a.m. on November 4, 1997, in Room 6200, at the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. An opportunity for the presentation of oral comments will also be afforded to any interested party at that time.

Parties desiring to participate in the technical conference or to provide oral comment on the petitions should notify the Docket Clerk at the mailing address listed above. The Docket Clerk may also be reached at 202–632–3198 or by fax at 202–632–3709.

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

James T. Schultz,

Associate Administrator for Safety.

[FR Doc. 97–26550 Filed 10–6–97; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Block Signal Application (BS–AP)–No. 3436

Applicant: South Orient Railroad Company, LTD., Mr. Roy D. Williams, Chief Operating Officer, 210 South Main Street, Brownwood, Texas 76801.

The South Orient Railroad Company, LTD. seeks approval of the proposed temporary discontinuance of the traffic control system, on the single main track, between Birds Siding, milepost 0.0 and Rickers, milepost 134.5, Texas, on the Dublin Subdivision, for a period of six months.

The reason given for the proposed changes is that the railroad is for sale.

BS–AP–No. 3437

Applicant: Consolidated Rail Corporation, Mr. J.F. Noffsinger, Chief Engineer—C&S Assets, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101–1410.

The Consolidated Rail Corporation seeks approval of the proposed modification of ''IU'' Interlocking, milepost 283.7, on the Indianapolis Line and milepost 0.0, on the St. Louis Line, at Indianapolis, Indiana, on the Indianapolis Division, involving Main Tracks No. 1 and No. 2, the Amtrak Depot Track, and the Louisville Secondary Track. The proposed changes are associated with relocation of the control of ''IU'' Interlocking to the Indianapolis, Indiana dispatchers' office and includes the discontinuance and removal of switch No. 61 and signal L68 on the depot track, and the discontinuance and removal of the following signals: R48, L48, L34, R58, R74, L74, RA108, L108, R46, L32, L54, R60, L50, R62, LA76, RA110, R126, R78, R86, L78, L122, RB116, R114, RB110, RD116, and LB76.

The reason given for the proposed changes is to retire facilities no longer needed for present operation and to improve safety of train operation through ''IU'' Interlocking.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, S.W., Mail Stop 25, Washington, D.C. 20590 within 45 calendar days of the date of publication of this notice. Additionally, one copy of the protest shall be

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.