

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for a Waiver of Compliance

In accordance with Title 49, Code of Federal Regulations (CFR), Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief requested and the petitioner's arguments in favor of relief.

Interested parties are invited to participate in these proceedings by submitting written views, 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 No. FRA-1998-4922) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590. Communications received before March 17, 1999 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 at the above address. All written communications are also accessible on the Internet at <http://dms.dot.gov>. The waiver petition is as follows:

Michigan State Trust for Railway Preservation, Inc. (MSTP) FRA Waiver Petition Docket No. FRA-1998-4922

MSTP seeks a waiver of compliance with 49 CFR Part 240, "Qualification

and Certification of Locomotive Engineers." MSTP is a non-profit educational (501)(c)(3) corporation. It owns and operates a 1941 built steam locomotive. This locomotive, ex-Pere Marquette No. 1225, has operated approximately 5,200 miles since 1988 over the general railroad system. All operations since that time have been in compliance with 49 CFR Part 230.

The organization is located at the steam locomotive repair facility in Owosso, Michigan, and connected to the tracks of the Tuscola and Saginaw Bay Railway (TSBY). MSTP does not own or control any trackage with the exception of two leads extending from their repair shop building, each is approximately 130 feet in length and are leased through the State of Michigan from the TSBY. The petition for waiver is to allow non-certified persons to operate the locomotive as the "locomotive engineer" with various restrictions governing the operation. MSTP intends to operate the locomotive over a tangent "other than main track" called the *San Yard Track*. The track is 4,800 feet long, crosses no public highway crossings at grade and will be protected by derails at both ends. MSTP expects to comply with the restrictions imposed by FRA when it approves MSTP's operation and set conditions as listed in waiver numbers RSEQ 95-3 and RSEQ 96-2. These restrictions include but are not limited to the following: that the TSBY certified and qualified locomotive engineer is to be located in the cab of the locomotive at all times, daylight operation only, absolute block at all times, locomotive is to be inspected daily and an air brake test performed each time the non-certified person at the throttle is changed and other RSB restrictions as appropriate.

MSTP proposes to conduct this program on selected weekends and holidays.

Issued in Washington, DC, on February 10, 1999.

Grady C. Cothen, Jr.,
Deputy Associate Administrator for Safety Standards and Program Development.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4510; notice 2]

General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain 1998 and 1999 GM passenger cars were not in full compliance with 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110, "Tire selection and rims," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on October 28, 1998, in the **Federal Register** (63 FR 57744). NHTSA received no comments on this application during the 30-day comment period.

Paragraph S4.3(b) of FMVSS No. 110 states that each vehicle shall have a placard, permanently affixed to the glove compartment door or an equally accessible location, that displays the designated seating capacity, in terms of the total number of occupants and the number of occupants for each seat location.

From May 3, 1998 to August 6, 1998, GM produced 303,936 U.S. passenger cars with errors in the occupant capacity numbers on the tire information placard. GM stated that the errors were caused by unforeseen changes in the computer program that generates the labels. The programming error resulted in the incorrect numbers for the center and rear positions. However, the correct number was provided for the front position. The following table summarizes the information on the subject placard:

	Front	Center	Rear	Total
As produced	2	2	0	3
Correct	2	0	3	5

GM supports its application for inconsequential noncompliance with the following statements:

1. The vehicle capacity weight, recommended cold tire inflation pressure, and recommended tire size designation information were not

affected by the programming change and that information is correct on the placards of the subject vehicles;