

This Pilot Program, therefore, gives States an opportunity to determine how they might best structure SIBs. USDOT is interested in information detailing how States propose to establish and implement SIBs and is looking for serious evidence of thoughtful proposals.

#### IV. Criteria for Applications To Participate in the SIB Pilot Program

Applications must provide detailed information on the following areas:

1. The types of assistance to be provided by the SIB (e.g., loans, credit enhancements, capital reserves for debt financing, interest rate subsidies, letters of credit);

2. Identification and description of projects to be advanced as a result of Pilot designation (According to the NHS Act, first use of SIB capitalization funds must be for a Title 23 highway construction or Title 49 capital transit project that follows Federal procedures. However, with repayment revenues, a SIB can assist Title 23 or Title 49 projects that follow State procedures.);

3. The status of any enabling legislation, if required by a State prior to establishing a SIB, or existing administrative authority to implement a SIB;

4. The relationship between the SIB and other innovative financing efforts underway or planned by the State and how its experience under the innovative financing programs to date can reflect this;

5. The relationship of the projects proposed for the SIB to the Transportation Improvement Program (TIP), the approved Statewide Transportation Improvement Program (STIP) and any other federally required plans;

6. The ways the SIB will more effectively use and leverage Federal monies;

7. The sources and amounts of Federal funds that will be used to capitalize the SIB (CMAQ and ISTEA demonstration funds cannot be used) in addition to any funds that may be distributed by the Secretary as a result of the Appropriations Act; and the sources and amounts of non-Federal matching funds required by Section 350(e)(1);

8. The proposed institutional framework for the SIB, including State agencies that may be involved on a formal basis or an informal advisory basis;

9. The proposed mechanisms and internal procedures to monitor and/or track the flow of Federal funds to accounts in the SIB and the State's preferred reporting procedures to

USDOT, given that Section 350 requires maintenance of separate accounts for highway and transit; and

10. The use of a SIB to facilitate development of intermodal or multistate projects.

States should indicate in their applications the type and extent of any technical assistance they might need to expedite implementation if designated as a pilot.

Copies of the original enabling legislation (Section 350 of the NHS Act), the Appropriations Act, and sample project summaries are available upon request from the USDOT contact persons referenced in this notice, or any Division or Regional Office of FHWA or FTA. Completed applications should be submitted to the FHWA Division Office or FTA Regional Office. USDOT may seek further clarification of SIB applications in writing or through an informal interview process with States.

Authority: Pub. L. 104-59, § 350, 109 Stat. 568, 618-622 (1995); Pub. L. 104-205, title I (1996).

Issued on: November 1, 1996.

Jolene M. Molitoris,  
*Federal Railroad Administrator.*

Gordon J. Linton,  
*Federal Transit Administrator.*

Rodney E. Slater,  
*Federal Highway Administrator.*

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### National Highway Traffic Safety Administration

#### Denial of Petition for a Defect or Noncompliance Investigation

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (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).

By letter dated May 9, 1996, Frank J. Ciano, Esq., petitioned NHTSA's Administrator to investigate the alleged tendency of model year (MY) 1984-1996 Chevrolet Corvettes suddenly to pull to the left or right, on an intermittent basis, when the brakes are applied and to issue an Order concerning the notification and remedy of an alleged safety-related defect or noncompliance in those vehicles. Mr. Ciano stated that his firm represents the owner of a MY 1990 Chevrolet Corvette that exhibited an alleged intermittent brake pull problem. The petition was based in part upon a synopsis of 166 "similar"

complaints that the petitioner obtained from NHTSA's Technical Reference Division in response to a Freedom of Information Act request.

Mr. Ciano originally reported the same brake pull complaint, alleging an initial failure date of August 1990, to NHTSA's Auto Safety Hotline on March 21, 1995. Neither the original complaint nor the petition alleged that an accident had occurred, and neither identified a specific vehicle subsystem or component that might have been involved in or caused the reported problem.

NHTSA's Office of Defects Investigation (ODI) reviewed the synopses of 166 "similar" complaints that the petitioner submitted, and concluded that only six of those complaints may be related to the alleged defect that the petitioner described. ODI also searched its computerized data system on MY 1984-1996 Chevrolet Corvettes for braking system complaints that might pertain to the alleged defect, and also for relevant steering and suspension system complaints. The search revealed the identical six other complaints that may be related to the alleged problem, all of which were received before July 1987. None of these six complaints involved a MY 1990 Corvette. Four involved 1984 models (including one which allegedly was involved in an accident); the other two were 1986 models. None of these six complaints identified a specific defect which could have caused the brake problem.

This number of complaints is extremely small, considering the fact that over 280,000 Corvettes were registered over the 13 model years covered by the petition. Accounting for exposure time, these vehicles have a complaint rate of about four complaints per million registered vehicle years, which is very low.

ODI's review also revealed that in June 1983, General Motors Corporation (GM) recalled 9,197 MY 1984 Corvettes for partially detached front brake calipers which could cause brake pull. Although this could not be confirmed because of the age of the complaints, this defect could have been the cause of the four complaints in ODI's database that involved MY 1984 Corvettes. There were no other relevant GM service bulletins in ODI's files.

The petition also requested that NHTSA issue an order requiring a recall for noncompliance with the applicable Federal motor vehicle safety standard (FMVSS). That standard is FMVSS No. 105, "Hydraulic brake systems," which includes stopping distance performance requirements. NHTSA's Office of

Vehicle Safety Compliance tested a MY 1984 Corvette some years ago, and it met all of the requirements of FMVSS No. 105. From the facts presented, there is no reason to conclude that later Corvette models did not meet the standard.

Given the number of vehicles, the large number of exposure years, the absence of any complaints (other than the petitioner's) pertaining to the alleged problem in the last 9 years, and the absence of an identifiable defective

component which could cause the alleged problem (other than the partially detached front brake caliper for which GM conducted its recall of MY 1984 Corvettes), the failure reported in the petition appears to be an isolated problem.

Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, and because there is no reasonable possibility that the requested order to notify and

remedy an alleged defect or noncompliance in the braking systems of all MY 1984–1996 Corvettes would be issued at the conclusion of an investigation, the petition was denied.

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

Issued on: October 31, 1996.

Michael B. Brownlee,  
*Associate Administrator For Safety Assurance.*

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