

On the vehicles that NHTSA tested, fourteen test points failed by more than 25 percent, with the worst case test point being over 35 percent. When using the zone compliance measurement, 18 out of the 34 zones tested failed to meet the minimum requirements, one zone failing the zone total by slightly over 25 percent. Again, the agency believes that these are not random, occasional failures of the type that NHTSA sometimes encounters in the course of its compliance testing. Instead, the pervasiveness of the failures is evidence of flaws in Nissan's design and manufacturing process.

To further support granting its application, Nissan staff brought two identical Sentras equipped with noncomplying lamps for NHTSA staff to examine. The stop lamps on these vehicles were examined both in a garage which was moderately lighted and outside in daylight where the skies were overcast. Nissan performed photometric testing on each vehicle before they were examined and found that on one vehicle, the left and right stop lamps produced a sum of 386 and 293 candela in Zone 3, respectively. On the other vehicle, the left and right stop lamps produced a sum of 384 and 330 candela in Zone 3, respectively. As previously stated, the required minimum for Zone 3 is 380 candela. NHTSA staff examined the vehicles from a number of different distances and angles for approximately five minutes in each setting.

Based on this examination, NHTSA staff did not see a stark difference between any of the stop lamps, although most of the staff members could determine that the lamp with the Zone 3 measurements of 293 candela was the dimmest. However, this type of examination does not convince NHTSA that the noncompliance is inconsequential to safety. In the real world, drivers following one of the subject vehicles would not always have the luxury of intently examining the vehicles from a number of angles for a long period of time. They would, in many cases, have to make split second judgments as to whether the vehicle in front of them has its brake lamps illuminated.

Through crash data analysis, NHTSA has found that many rear end crashes occur as a result of a driver's inattention to the area ahead of the vehicle. Drivers may be operating the radio, using a cellular phone, or any number of non-driving related activities. To see the vehicles in front of them, they must often rely on their peripheral vision. In these situations, it may not be readily apparent that one of the subject vehicles has its stop lamps illuminated. On the

subject vehicles, even the stop lamps which comply with the minimum requirement for Zone 3, do so by a narrow margin. The worst failure among the noncompliant lamps was over 25 percent below the minimum for Zone 3. Because of this, the noncompliance has the potential to confuse following drivers as to whether it is a stop lamp or a tail lamp which they are seeing. In an emergency situation, when drivers compare the subject lamps with other nearby stop lamps or with their memory of a stop lamp, they may not make the correct judgment quickly enough. In certain situations, a fraction of a second may be all the time the driver has to make the necessary crash avoidance maneuver. This may not be ample time for the driver to discern whether the lamp is a tail lamp or a stop lamp. It is this added level of risk associated with these vehicles that must drive a decision regarding safety consequences.

This concern about risk of incorrect identification is supported by a 1986 study sponsored by NHTSA and conducted by the University of Michigan Transportation Research Institute (UMTRI-86-28). In this study, test subjects were presented with two lamps intended to simulate a U.S. tail lighting system. These lamps were illuminated to 18, 40, 60, 80, and 100 candela. After the lamps were illuminated to one of these levels, the test subject was asked to quickly determine, only by the brightness of the lamps, whether they were signaling braking or presence (vehicle's taillamps on). When the lamps were illuminated to 80 candela, the test subjects identified the lamps as signaling braking 90 percent of the time. When they were illuminated to 60 candela, the test subjects identified the lamps as signaling braking 74 percent of the time. Finally, when the lamps were illuminated to 40 candela, the test subjects identified the lamps as signaling braking only 39 percent of the time. Of the five test points in Zone 3, the standard requires that three have a minimum value of 80 candela and two have minimum value of 70 candela. Also, according to Nissan's test data submitted with its application, the lowest value obtained at any test points on the subject vehicles was 45.1 candela. These data lead NHTSA to believe that the Nissan noncompliance could lead drivers following the subject vehicles to mistake the stop lamps for tail lamps. Thus, the risk of being in a crash would be higher for the Nissan vehicles compared to vehicles with complying lamps.

In consideration of the foregoing, it is hereby found that the applicant has

failed to meet its burden of persuasion that the noncompliance herein described is inconsequential to safety, and its application is denied.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50)

Issued on: November 21, 1997.

**Ricardo Martinez,**  
Administrator.

[FR Doc. 97-31264 Filed 11-26-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-477 (Sub-No. 3X)]

#### **Owensville Terminal Company, Inc.— Abandonment Exemption—in Edwards and White Counties, IL and Gibson and Posey Counties, IN**

On November 7, 1997, Owensville Terminal Company, Inc. (OTC) filed with the Surface Transportation Board (Board) a petition<sup>1</sup> under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the Browns-Poseyville line, between milepost 205.0 at or near Browns, IL, and milepost 227.5 near Poseyville, IN, a distance of 22.5 miles in Edwards and White Counties, IL, and Gibson and Posey Counties, IN. The line traverses U.S. Postal Service Zip Codes 62818, 62844, 47616, and 47633. The line includes the stations of Browns, milepost 205.0; Grayville, milepost 213.5; Griffin, milepost 219.9; and Stewartsville, milepost 225.4.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 25, 1998.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due

<sup>1</sup> This petition is a refiling of OTC's April 15, 1997 submission in STB Docket No. AB-477 (Sub-No. 1X). On August 1, 1997, the Board denied the petition without prejudice to OTC's filing an abandonment application. OTC did not adhere to the Board's directive in the August 1 decision in filing this petition for exemption. Consequently, although the Board is publishing notice of the filing of the instant petition based on representations made therein, OTC is advised that the petition may be rejected if opposition is received.

no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a \$900 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than December 18, 1997. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-477 (Sub-No. 3X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street N.W., Washington, DC 20423-0001, and (2) Thomas F. McFarland, Jr., McFarland & Herman, 20 North Wacker Drive, Suite 1330, Chicago, IL 60606-2902.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: November 21, 1997.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 97-31223 Filed 11-26-97; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund; Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of 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 and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub.L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Community Development Financial Institutions Fund (the Fund) within the Department of the Treasury is soliciting comments concerning the Bank Enterprise Award (BEA) Program.

**DATES:** Written comments should be received on or before January 27, 1998 to be assured of consideration.

**ADDRESSES:** Direct all comments to Jeannine Jacokes, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, D.C. 20005, Fax Number (202) 622-7754.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to the Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW, Suite 200 South, Washington, D.C. 20005, or call (202) 622-8662.

#### SUPPLEMENTARY INFORMATION:

**Title:** Bank Enterprise Award Program.

**OMB Number:** 1505-0153.

**Abstract:** The purpose of the Community Development Banking and Financial Institutions Act of 1994 (Act) was to create the Fund to promote economic revitalization and community development through investment in and assistance to Community Development Financial Institutions (CDFIs). The Fund's BEA Program helps achieve this purpose through an incentive system for insured depository institutions to, among other things, increase their lending to and investment in CDFIs by rewarding participating institutions with awards.

**Current Actions:** The Fund is in the process of making minor technical revisions to its regulations (12 CFR part 1806), application and final report, in order to publish a Notice of Funds

Availability (NOFA) for the third round of the BEA Program.

**Type of review:** Extension with change.

**Affected Public:** Insured depository institutions.

**Estimated Number of Respondents:** 70-75.

**Estimated Time Per Respondent:**

Application: 10; Final Report: 7.

**Estimated Total Annual Burden Hours:** 1,240.

#### Requests for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Authority:** 12 U.S.C. 1834a, 4701, 4704, 4713; 12 CFR part 1806.

Dated: November 28, 1997.

**Maurice A. Jones,**

*Acting Deputy Director.*

[FR Doc. 97-31285 Filed 11-26-97; 8:45 am]

BILLING CODE 4810-70-P

## DEPARTMENT OF THE TREASURY

### Submission to OMB for Review; Comment Request

November 18, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service (IRS)

**OMB Number:** 1545-1130.