

engine. Saab stated that those vehicles that are equipped with a 2.3 liter engine will not incorporate the fuel and ignition immobilizer feature until MY 2000.

In order to ensure the reliability and durability of the device, Saab stated that it conducted tests of the antitheft device which far exceeds the previous testing program that was used to validate the reliability and durability of the 1995 through 1998 vehicles.

Saab believes that the antitheft system proposed for installation on its 900 line is likely to be as effective in reducing thefts as compliance with the parts-marking requirements of Part 541. It believes that the antitheft system for model years 1999 and later will provide essentially the same functions and features as found on today's 1995 through 1998 system. Therefore, Saab believes that the modified system will provide at least the same level of theft prevention over parts marking. Saab supports its belief that its proposed system will be no less effective than the MY 1995 through 1998's system by comparing its MY 1995 preliminary theft rate of 1.3973 for the 900 line with the median theft rate of 3.5826 indicating that the agency's theft data supports its belief.

Saab also submitted information from the Highway Loss Data Institute (HLDI), which reported a comparison of the number of claims per thousand insured vehicles per year. HLDI's September 1996 insurance theft report indicated a theft index of 15 for the 1994 through 1995 Saab 900 line. This was the second lowest figure for all large, midsize, and small cars listed. The HLDI theft report published in September 1997 indicated a theft index of 13, a reduction from the previous year's index. HLDI reported that the antitheft device installed on the Saab 9⁵ car line and sold in Sweden, has been awarded the highest-ever security ratings (96.7 % security rating) given by Thatcham, the motor vehicle insurance industry's research centre.

The agency has evaluated Saab's MY 1999 petition for modification of the exemption for the 900 car line from the parts-marking requirements of 49 CFR Part 541, and has decided to grant it. It has determined that the system is likely to be as effective as parts marking in preventing and deterring theft of these vehicles, and therefore qualifies for an exemption under 49 CFR Part 543. The ability to arm the system using either the ignition key or a remote transmitter means that arming the system does not require any additional action by the driver, which means that the system is more likely to be armed. The ability to use the key or the remote to activate and

deactivate the starter immobilizer improves the level of convenience for the driver/operator to arm and disarm the modified system over the present system. Other improvements include the addition of a battery backup for the alarm siren, "free wheeling" door lock cylinders, a tilt sensor that will detect attempts to steal the vehicle by means of flatbed or tow truck, and a panic function feature.

In its petition, Saab also states that for MY 1999, not all of the vehicles in the 900 car line will have the fuel and ignition immobilizer features as part of the antitheft system. One prerequisite to qualifying for an exemption under Part 543 is that the antitheft device must be installed as standard equipment on all vehicles on a model line. 49 U.S.C. Section 33106(b). Therefore, in evaluating whether a system qualifies for an exemption, the agency may consider only those features that are standard across the car line; and may not consider features that are only present on some vehicles in the line.

Accordingly, for the purpose of evaluating whether the system installed on the Saab 900 line for MY 1999 qualifies for an exemption under Part 543, the agency cannot consider the fuel and ignition interrupt features to be part of the system. Since these features are present on the current system on the Saab 900, this means that the agency must treat the MY 1999 system as though these features are no longer included.

The absence of these features diminishes the level of theft protection somewhat from that provided by the MY 1995 system because the fuel and ignition immobilizer will not be standard equipment on the car line. The agency believes, however, that the decrease is not substantial and that even without this feature, the system as described in Saab's petition for modification will provide a level of theft protection equivalent to parts marking.

The agency notes that Saab has stated in its petition that it plans to install the fuel and ignition immobilizer features in all vehicles in the 900 car line beginning with MY 2000. If Saab does in fact decide to add these features as standard equipment on the 900 line, it must file either a new petition for modification of the exemption or a request for de minimis treatment for the system that incorporates these features.

NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: October 21, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-28291 Filed 10-23-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Section 5a Application No. 34 (Amendment No. 9)]

Middlewest Motor Freight Bureau, Inc.

AGENCY: Surface Transportation Board; DOT.

ACTION: Request for comments.

SUMMARY: The Surface Transportation Board is seeking comments from interested persons on the application filed by the Midwest Motor Freight Bureau, Inc. (MWB) for approval of amendments to its by-laws. The proposed amendments are described below.

DATES: Comments are due by November 24, 1997.

ADDRESSES: Send an original and 10 copies of pleadings to Section 5a Application No. 34 (Amendment No. 9) to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-0001. Also send one copy to MWB's representative: Bryce Rea, Jr., 1920 N Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600 (TDD for the hearing impaired: (202) 565-1695.)

SUPPLEMENTARY INFORMATION: MWB is seeking Surface Transportation Board approval of several minor amendments to its by-laws. MWB states that the amendments would reduce the number of directors and quorum requirements for meetings of the board of directors (the Board) of MWB, reduce the size of the nominating committee for the Board, revise titles of officers, authorize the Board to fill vacancies on the Board, allow for greater flexibility in scheduling and holding Board meetings, and eliminate territorial classifications for the Board or for directors.

MWB proposes to change the titles of Board members as follows: "Executive Vice President" would be changed to "President", "President" would be changed to "Chairman of the Board", and "Vice President" would be changed to "Vice Chairman of the Board."

MWB also proposes to delete from §§ 6.4, 6.5 and 6.6 provisions which were added to implement a merger with the Central States Motor Freight Bureau, Inc. (CSB) that was authorized in *Middlewest Freight Bureau, Inc., and Central States Motor Freight Bureau, Inc.—Merger Agreement*, Section 5a Application No. 34 (ICC served July 9, 1993).

Section 6.3 would be amended to reduce the membership of the Board from 27 directors to 18 directors and to eliminate territorial classifications which apportioned seats on the Board and certain Board committees according to the territories comprising the expanded MWB territory, viz., Southwestern Territory, Middlewest Territory, and Central States Territory. MWB states that these classifications are no longer necessary. Language would also be eliminated which governed the election of the first Board after the merger with CSB.

A new Section 6.4 would be added which would stagger the terms of directors so that one-third are elected each year. Section 6.5 would be amended to reduce the nominating committee from 9 directors to 4 directors. A provision would be added to Section 6.6 authorizing the Board to fill vacancies if an insufficient number of directors are elected. Section 6.9 would be amended to authorize the Board to fill vacancies resulting from death, resignation, inability to serve, or expulsion.

Section 8.1 would be amended to delete the requirement for quarterly Board meetings. MWB states that regularly scheduled Board meetings are no longer necessary. Section 12.1 would be amended to authorize the Board to call and hold meetings when needed. Section 12.3 would be amended to authorize Board meetings by telephone conference call and to permit fax or telephone notices of emergency Board meetings. Section 12.4 would be amended to reduce the quorum requirement for Board meetings from 10 to 7.

MWB states that the amendments do not relate to and are not affected by territorial expansion and do not involve or affect MWB's collective ratemaking activities.¹ MWB states that the Board

has no ratemaking authority, as that authority remains vested in the General Rate Committee. MWB states that these proposed amendments do not change the composition of the General Rate Committee or any of its functions.

We seek comment on whether these proposed amendments meet the criteria of 49 U.S.C. 13703(a)(2). Comments on these proposed amendments should be filed in this docket.

Copies of the application and the amendments are available for inspection and copying at the Office of the Secretary, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423 and from applicant's counsel.

Decided: October 16, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-28149 Filed 10-23-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33485]

St. Lawrence & Atlantic Railroad Co.— Lease and Operation Exemption— Berlin Mills Railway, Inc.

St. Lawrence & Atlantic Railroad Company (SL&A), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate rail lines owned by Berlin Mills Railway, Inc., in Coos County, NH, as follows: (1) Approximately 5.5 route miles between milepost 154.6 at Berlin and milepost 149.1 at Gorham; and (2) approximately 0.5 route miles of rail line (which does not have salient milepost designations) in the vicinity of Berlin. The total distance of the rail lines to be leased by SL&A is approximately 6.0 route miles. The transaction was expected to be consummated soon after October 9, 1997, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33485, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925

K Street, NW, Washington, DC 20423-0001 and served on: Kevin M. Sheys and Edward J. Fishman, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, NW, Suite 400, Washington, DC 20036.

Decided: October 16, 1997.

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

Vernon A. Williams

Secretary

[FR Doc. 97-28150 Filed 10-23-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33484]

St. Lawrence & Atlantic Railroad Co.— Acquisition and Operation Exemption—New Hampshire & Vermont Railroad Co.

St. Lawrence & Atlantic Railroad Company (SL&A), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 1 route mile of rail line owned by New Hampshire & Vermont Railroad Co., in the vicinity of Groveton, in Coos County, NH. The transaction was expected to be consummated soon after October 9, 1997, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33484, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001 and served on: Kevin M. Sheys and Edward J. Fishman, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, NW, Suite 400, Washington, DC 20036.

Decided: October 16, 1997.

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

Vernon A. Williams,

Secretary.

[FR Doc. 97-28151 Filed 10-23-97; 8:45 am]

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¹ MWB has other amendments to its Agreement pending before the Board in Section 5a Application No. 34 (Amendment No. 8), *Middlewest Motor Freight Bureau, Inc.*, which seeks territorial expansion of its collective ratemaking agreement. This request is being considered in Section 5a Application No. 118 (Amendment No. 1), *et al.*, *EC-MAC Motor Carriers Service Association, Inc., et al.*