

a portion of the CHMSL's photometric output. GM states that if the worst case build condition were present on a vehicle, blackout paint would obscure the portion of the CHMSL corresponding to the 5D (5 degrees below horizontal) photometric requirements.

GM believes that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

The EV1 sits low to the ground, so light provided by the CHMSL is visible to drivers of other vehicles, even with the bottom of the CHMSL obscured.

The specified range of photometric output for a CHMSL, from 10U to 5D, was developed from SAE J186a and is presumably intended to allow manufacturers latitude in locating CHMSLs for the myriad of vehicle designs, while assuring sufficient signal light to drivers of following vehicles. Because the EV1 CHMSL is so low to the ground, the 5D angle is far less significant to following drivers than it would be if mounted higher.

A perceived benefit of the CHMSL is the ability it provides following drivers to see through intervening vehicles. Because the EV1 and its CHMSL are low to the ground, a following driver's ability to see the CHMSL through intervening vehicles is not compromised by the lost light at the lower portion of the CHMSL.

To reduce aerodynamic drag, the EV1 was designed to be extremely narrow. As a consequence of its narrow profile, the stop lamps are in close proximity to the CHMSL (510 mm from the center of the brake lamp to the center of the CHMSL). This minimizes the effect of the obscured portion of the CHMSL.

Except for 5D, the EV1 CHMSL meets all other requirements of FMVSS No. 108, and the photometric output of the stop lamps, which are supplemented by the CHMSL, far exceed the FMVSS No. 108 minimum requirements.

GM is not aware of any accidents, injuries, owner complaints or field reports related to this issue.

Additionally GM provided two figures (which are available in the application filed in the public docket) that illustrate rear stop lamp visibility to following vehicle drivers, to support the claims for inconsequentiality.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that six copies be submitted. Docket hours are 10:00 A.M. to 5:00 P.M.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* July 20, 1998.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 12, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3869]

#### Western Star Trucks, Inc.; Receipt of Application for Determination of Inconsequential Noncompliance

Western Star Trucks, Inc. of Kelowna, British Columbia, Canada, has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 "Motor Vehicle Safety" for noncompliance with 49 CFR 571.205, Federal Motor Vehicle Safety Standard No. 205, "Glazing Materials," on the basis that the noncompliance is inconsequential to motor vehicle safety. Western Star Trucks has filed an appropriate report pursuant to 49 CFR Part 573 "Defect and Noncompliance Information Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

Paragraph S6.2 of Standard No. 205 specifies that a number designating the material used, the symbol "DOT," and the manufacturer's code mark, shall be marked on all glazing materials by the prime glazing material manufacturer.

#### Vehicles Involved

Western Star Constellation Series truck/tractor manufactured between January 17, 1996 and February 3, 1998 equipped with 58" or 72" sleepers with side windows. The serial numbers of the affected vehicles fall within the range, 944129 to 953410.

#### Number of Vehicles

Eight hundred ninety-one (891) vehicles manufactured as of February 3, 1998, potentially contain the noncompliance.

#### Description of the Noncompliance

Certain Western Star Constellation truck/tractors were equipped with 58" or 72" sleepers with side windows which were not marked per the requirements of S6 of Federal Motor Vehicle Safety Standard (FMVSS) 205. The window glazing is not marked per the requirements of Section 6 of ANS Z26. They also were not marked with the symbol "DOT" or the manufacturer's code mark per S6.2 of FMVSS 205. The window glazing does, however, meet the physical requirements of FMVSS 205 and is located out of the truck/tractor driver's compartment in an area where highway visibility is not required.

#### Supporting Information

Although the glazing is not marked per the requirements of FMVSS 205, the glazing has been tested and complies to Item AS-2 of ANSIZ26.1 per the attached report 1/95, from Inchcape Testing Test Services.

The sleeper windows, Western Star Trucks part numbers 63320-3562 and 63320-3563, were purchased from Sun-view Industries Ltd., 15915 Bentley Pl., Box 1079, Summerland, British Columbia, Canada, VOH 1Z0. Sun-view in turn purchased the 3 mm glazing from Wescan Glass—Burnaby, 3153 Thunderbird Cres., Burnaby, British Columbia, V5A 3G2 (A division HGP Industries, Inc., Moorestown, NJ). The attached test report was provided by Inchcape Testing for the test performed on the glass that Wescan provides to Sun-view.

The test report 1/95 indicates that the 3 mm glazing meets the requirements for AS-2 (Safety Glazing Material for Use Anywhere in Motor Vehicle Except Windshields). However, the sleeper windows only need meet AS-5 as they are at a height not requisite with highway visibility, and are "glazing to the rear of the driver in trucks or truck tractor cabs where other means of affording visibility of the highway to the side and rear of the vehicle are provided."

Interested persons are invited to submit written data, views and arguments on the application of Western Star, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, Room PL 401, 400 Seventh Street, SW., Washington, DC, 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the application is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 20, 1998.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: June 12, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Actions on Exemption Applications

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Notice of actions on exemption applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in JANUARY-APRIL 1998. The modes of

transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on May 15, 1998.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials, Exemptions and Approvals.*

#### MODIFICATION EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemptions thereof
970-M	DOT-E 970	Callery Chemical Corp., Pittsburgh, PA.	49 CFR 173.21(f)(3), 173.302(g).	Authorizes the transportation of diboran classed as a Division 2.3 material in DOT Specification 3AA cylinders overpacked in certain insulated drums or wooden boxes. (modes 1, 2).
5493-M	DOT-E 5493	Montana Sulphur & Chemical Co., Billings, MT.	49 CFR 173.314(c) .....	Authorizes the shipment of hydrogen sulfide in DOT-105A600W tank cars. (mode 2).
6117-M	DOT-E 6117	Montana Sulphur & Chemical Co., Billings, MT.	49 CFR 173.314(c) .....	Authorizes the transport of hydrogen sulfide in DOT Specification 105A600W tank car tanks or proposed DOT Specification 120A600W tank car tanks.
7026-M	DOT-E 7026	Walter Kidde Aerospace, Wilson, NC.	49 CFR 173.304 (a)(1), 175.3, 178.47.	Authorizes the manufacture, marking and sale of a non-DOT specification welded steel pressure vessel, for transportation of a compressed gas. (modes 1, 2, 5).
7835-M	DOT-E 7835	Matheson Gas Products, East Rutherford, NJ.	49 CFR 177.848(d) .....	Authorizes the transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (mode 1).
8230-M	DOT-E 8230	Olin Corporation, Norwalk, CT.	49 CFR 173.178, 173.243.	Authorizes the shipment of certain Division 5.1 materials in non-DOT specification containers. (modes 1, 2, 3, 4).
9184-M	DOT-E 9184	The Carbide/Graphite Group, Inc., Louisville, KY.	49 CFR 173.178 .....	Authorizes the shipment of calcium carbide and substances which in contact with water emit flammable gases, solid n.o.s. (strontium aluminate), in polyethylene-lined woven polypropylene collapsible bags in truckload or carload lots only. (modes 1, 2).
9413-M	DOT-E 9413	EM Science, Cincinnati, OH.	49 CFR 173.286 .....	Authorizes the transport of a chemical kit which contains small amounts of hydrochloric acid and zinc powder. (mode 1).
9610-M	DOT-E 9610	Alliant Techsystems Inc., Hopkins, MN.	49 CFR 172.203 (a), (e), 172.204, 173.29 (a), (d), Parts 107, Appendix B (2), (3), Parts 171-189.	Authorizes the transport of DOT Specification 21C fiber drums which contain not more than 5 grams of smokeless powder essentially without regulation. (modes 1, 2).
9791-M	DOT-E 9791	Pressed Steel Tank Co., Inc., Milwaukee, WI.	49 CFR 173.301(h), 173.302(a), 173.34 (a)(1), 178.37.	Authorizes the manufacture, marking, and sale of a high strength, non-specification cylinder conforming in part with the DOT-3AA specification for transportation of certain nonflammable, nonliquefied compressed gases. (mode 1).
9791-M	DOT-E 9791	Pressed Steel Tank Co., Inc., Milwaukee, WI.	49 CFR 173.301(h), 173.302(a), 173.34 (a)(1), 178.37.	Authorizes the manufacture, marking, and sale of a high strength, non-specification cylinder conforming in part with the DOT-3AA specification for transportation of certain nonflammable, nonliquefied compressed gases. (mode 1).