

The only exception where an audible warning is not provided is when the front passenger buckles between 25 and 33 seconds following the remote start (in effect buckling in response to the chime and silencing it before the driver enters the vehicle).

GM states that it believes that because the noncompliances are inconsequential to motor vehicle safety that no further corrective action is warranted.

#### NHTSA Decision

The following explains our rationale.

There are two separate starting procedures for these vehicles. One uses the key to start the vehicle. The second uses the remote start feature.

#### Key Starting for All Vehicles

When the key is used to start the vehicle, the seat belt warning system meets the requirements of the standard because the driver receives the required visible and audible warnings when not buckled. This is the case for both the 2006 and 2007 groups of vehicles.

#### Remote Start With Enhanced Seat Belt Warning Systems

For the 2007 group of vehicles (and the 2006 vehicles that have been upgraded through the customer service program) using remote start, a 6-second audible and 75-second telltale warning is provided if the front outboard occupants (driver and passenger) are not belted and the vehicle speed exceeds 5 mph. These meet the time requirements of S7.3(a)(1) and provide an audible and visual warning as intended by the requirement. In addition, the warnings go beyond the requirement because (1) The visual telltale warning is on 15 seconds longer than required by the standard, (2) the warnings include the non-regulated front outboard passenger, and (3) the warnings repeat for an additional period if the front occupants do not react to the first warning. The purpose of the requirement is met because (1) both the audible and visual warnings are activated at a low enough speed that the occupants have time to react to the reminders before traveling very far and before attaining a high speed, and (2) the warnings that do activate go beyond the requirements in certain aspects.

#### Remote Start for Reprogrammed Seat Belt Warning Systems

For the 2006 group of vehicles using remote start, the additional warnings are not available. However, GM has instituted a Customer Satisfaction Program to reprogram these vehicles so that they have the same seat belt

warning system as the 2007 vehicles discussed previously.

#### Remote Start for Non-Reprogrammed Seat Belt Warning Systems

GM has indicated there are 75,416 vehicles in the 2006 group that are eligible for reprogramming. GM also estimates that 50 percent of those vehicles will actually be taken to the dealer for the customer service campaign. Thus, an estimated 37,708 vehicles may eventually not have the enhanced seat belt warning system. Even in these vehicles the driver will still receive a 6-second audible warning signal that meets the requirements of FMVSS No. 208.

#### Exception

The final condition to consider for both the 2006 and 2007 groups is when the passenger buckles the seat belt 25 to 33 seconds after remote start. In this condition, there may be no audible warning or visual telltale. This does not appear to be a condition that is likely to happen. It would be logical to assume that the remote start normally is used for warming the engine, or warming or cooling the interior of the vehicle prior to getting in the vehicle. Since these conditions could not generally occur within 25 to 33 seconds of remote start, we estimate this condition will not likely occur during normal vehicle operation. Moreover, for this scenario to occur, the passenger must buckle the belt in a small window of time (25 to 33 seconds after a remote start) before the driver enters and turns the key to "RUN." If the driver enters first and turns the key to "RUN" or if the passenger buckles the belt before or after the 8-second window, the audible warning, and perhaps some visual warnings will function.

#### Decision

Because GM has offered to provide a very helpful upgrade to the vehicles most affected by this problem, and because in all but one rare condition (which we estimate will not likely occur) there is an audible and/or visual seat belt warning, NHTSA has decided that GM has met its burden of persuasion that the seat belt warning system noncompliances described are inconsequential to motor vehicle safety. Accordingly, GM's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliances under 49 U.S.C. 30118 and 30120.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 22, 2008.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2007-28505]

#### Pipeline Safety: Requests for Special Permit

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal pipeline safety laws allow a pipeline operator to request PHMSA to waive compliance with any part of the Federal pipeline safety regulations by granting a special permit to the operator. PHMSA is publishing this notice to provide a list of special permit requests we have received from pipeline operators seeking relief from compliance with certain pipeline safety regulations. This notice seeks public comment on these requests, including comments on any environmental impacts. At the conclusion of the comment period, PHMSA will evaluate each request individually to determine whether to grant or deny a special permit.

**DATES:** Submit any comments regarding any of these special permit requests by May 29, 2008.

**ADDRESSES:** Comments should reference the docket number for the special permit request and may be submitted in the following ways:

- E-Gov Web Site: <http://www.regulations.gov>. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
  - Fax: 1-202-493-2251.
  - Mail: Docket Management System; U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
  - Hand Delivery: DOT Docket Management System; U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Instructions:* You should identify the docket number for the special permit

request you are commenting on at the beginning of your comments. If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at <http://www.regulations.gov>.

**Note:** Comments are posted without changes or edits to <http://www.regulations.gov>, including any personal information provided. There is a privacy statement published on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Wayne Lemoi by telephone at (404) 832-1160; or, e-mail at [wayne.lemoi@dot.gov](mailto:wayne.lemoi@dot.gov).

**SUPPLEMENTARY INFORMATION:** PHMSA has filed in the Federal docket management system at <http://www.regulations.gov> requests for special permits we have received from pipeline operators seeking relief from compliance with certain pipeline safety regulations. Each request has been assigned a separate docket number. We invite interested persons to participate by reviewing these special permit

requests and by submitting written comments, data or other views. Please include any comments on environmental impacts granting the special permit may have.

Before acting on any special permit request, PHMSA will evaluate all comments received on or before the comment closing date. We will consider comments received after this date if it is possible to do so without incurring additional expense or delay. We may grant a special permit or deny a request based on the comments we receive.

PHMSA has received the following special permit requests:

Docket No.	Requester	Regulation(s)	Nature of special permit
PHMSA-2008-0066.	Columbia Gulf Transmission Company (CGT).	49 CFR 195.452(h) .....	To authorize CGT to operate nine pipeline segments in three sections of Mainline 100, 200 and 300 in Williamson and Davidson Counties, Tennessee without reducing the operating pressure as a result of changes from Class 1 and Class 2 locations to Class 3 locations.
PHMSA-2008-0067.	Boardwalk Pipeline Partners, LP (Boardwalk).	49 CFR 192.111, 49 CFR 192.201.	To authorize Boardwalk to construct and operate approximately 262.6 miles of two, 36-inch, natural gas transmission lateral pipelines at a maximum allowable operating pressure (MAOP) of 1250 pounds per square inch gauge (psig), which corresponds to a pipe stress level up to 80 percent of the steel pipe's specified minimum yield strength (SMYS) in Class 1 locations, 67 percent SMYS in Class 2 locations, and 56 percent SMYS in Class 3 locations. The pipelines are the 166.2-mile Fayetteville Lateral located primarily in Arkansas but crosses the Mississippi River into western Mississippi and the 96.4-mile Greenville Lateral located entirely in Mississippi.
PHMSA-2008-0068.	Gulf Crossing Pipeline Company (GCPC).	49 CFR 192.111, 49 CFR 192.201.	To authorize GCPC to construct and operate approximately 353.2 miles of a new 42-inch natural gas transmission pipeline running from Grayson County, Texas to Madison Parish, Louisiana at an MAOP of 1480 psig, which corresponds to a pipe stress level up to 80 percent of SMYS in Class 1 locations, 67 percent SMYS in Class 2 locations and 56 percent SMYS in Class 3 locations. The special permit request also includes a 17.8-mile, 42-inch, loop line from Hinds County to Simpson County, MS, which is part of the Gulf Crossing project.
PHMSA-2008-0077.	Florida Gas Transmission Company (FGT).	49 CFR 192.111, 49 CFR 192.201, 49 CFR 192.505, 49 CFR 192.611, 49 CFR 192.619.	To authorize FGT to operate certain pipeline segments along its approximately 741.2-mile mainline natural gas transmission pipeline system running from Mobile County, Alabama to Lee County, Florida at an MAOP of up to 1333 psig, which corresponds to a pipe stress level up to 80 percent of SMYS in Class 1 locations, 67 percent SMYS in Class 2 locations and 56 percent SMYS in Class 3 locations.

**Authority:** 49 U.S.C. 60118(c)(1) and 49 CFR 1.53.

Issued in Washington, DC on April 21, 2008.

**Barbara Betsock,**

*Acting Director, Office of Regulations.*

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Ex Parte No. 558 (Sub-No. 11)]

**Railroad Cost of Capital—2007**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** The Board is instituting a proceeding to determine the railroad industry's cost of capital for 2007. The decision solicits comments on: (1) The railroads' 2007 current cost of debt

capital; (2) the railroads' 2007 current cost of preferred stock equity capital (if any); (3) the railroads' 2007 cost of common stock equity capital; and (4) the 2007 capital structure mix of the railroad industry on a market value basis.

**DATES:** Notices of intent to participate are due no later than May 6, 2008. Statements of the railroads are due by May 22, 2008. Statements of other interested persons are due by June 23, 2008. Rebuttal statements by the railroads are due by July 23, 2008.