unloaded wheelchair test device was at the inside and outside edges of the threshold warning area and would be deactivated when a wheelchair was in the ''dead zone.'' If a wheelchair was passing through the threshold area, the warning would be activated for only a short period of time and such an intermittent warning could be confusing to a wheelchair user. Also, a passenger's wheelchair may be stopped with its front wheels within the ''dead zone'' of the threshold. If the wheelchair moves forward, it may be so close to the edge of the vehicle floor that the occupant will be unable to react in time to prevent the wheelchair from continuing off the edge of the vehicle floor. Likewise, for a standing passenger who may be aided by a cane or walker, the ''dead zone'' of Braun's threshold warning system could cause the warning to be intermittent and also reduce the timeliness of the warning alarm. Consequently, platform lift users may have inadequate time to stop the wheelchair or cease forward movement before reaching the edge of the vehicle floor when the platform lift is greater than 25 mm below the vehicle floor.

In conclusion, NHTSA believes there is an increased risk that users of the subject Braun lifts could fall from a vehicle and be seriously injured due to: (1) The large size of ''dead zone'' in the platform threshold area and consequent inadequate warning of a significant gap between the vehicle floor and the platform provided by the subject Braun lift; and (2) the short distance between the outside edge of the ''dead zone'' and the outside edge of the vehicle floor and the resultant short reaction time available to persons with limited mobility moving from a position within the threshold ''dead zone.''

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Braun's petition is hereby denied, and the petitioner must notify according to 49 U.S.C. 30118 and remedy according to 49 U.S.C. 30120.

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

Issued on: August 6, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–15611 Filed 8–9–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2007–27437; Notice 2]

Grote Industries, LLC; Grant of Petition for Decision of Inconsequential Noncompliance

Grote Industries, LLC (Grote) has determined that the amber reflex reflectors on certain trucks manufactured between 2004 through 2007 do not comply with S5.1.5 of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, reflective devices, and associated equipment.'' Grote has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Responsibility and Reports.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Grote also has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of a petition was published, with a 30-day public comment period, on April 9, 2007 in the **Federal Register** (72 FR 17608). The National Highway Traffic Safety Administration (NHTSA) received no comments. To view the petition and all supporting documents, go to: *http://dms.dot.gov/search/searchFormSimple.cfm* and enter Docket No. NHTSA–2007–27437.

For further information on this decision, contact Mr. Michael Cole, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–2334 or facsimile (202) 366–7002.

Affected are approximately 137,050 reflex reflectors that have been sold for installation as original equipment on trucks and were manufactured between December 28, 2004 and January 22, 2007. S5.1.5 of FMVSS No. 108 requires:

> The color in all lamps, reflective devices, and associated equipment to which this standard applies shall comply with SAE Standard J578c, Color Specification for Electric Signal Lighting Devices, February 1977.

The reflex reflectors do not contain the correct reflective material required to meet the requirements of S5.1.5. Grote claims that it has corrected the problem that caused this error so that it will not be repeated in future production. Grote believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted.

Grote stated that this noncompliance pertains solely to the failure of these reflex reflectors to meet the applicable color requirements. The subject reflex reflectors were manufactured for Grote by a third-party supplier. The third-party supplier incorporated reflective tape that it purchased from a reflective material supplier. Based on the results of tests conducted for Grote, Grote believes the intermediate supplier had been using retroreflective tape that was manufactured to the specification for ''selective yellow,'' instead of the correct specification for ''amber,'' as set forth in the SAE J578c requirement. The intermediate supplier was operating under a certification letter from the reflective material supplier, which erroneously listed the material as compliant.

Grote believes the failure of these reflex reflectors to meet the color specification does not reduce their effectiveness in providing proper visibility to allow identification of the front and (where applicable) intermediate side points of a vehicle. Grote believes the difference between compliant amber reflex reflectors and the subject noncompliant selective yellow colored reflex reflectors is barely discernible to the naked eye when reflected with ''Illuminant A'' light under conditions of ambient darkness. Grote further stated that such conditions are intended to imitate nighttime driving conditions when reflex reflectors serve their primary purpose.

NHTSA Decision

The following explains our rationale.

NHTSA has found that reflex reflectors make the side of a vehicle visible to drivers of other vehicles at night and at other times when there is reduced ambient light including dawn and dusk. The advance warning provided by the reflex reflectors has the potential to enable drivers to avoid a collision when approaching one another at an angle. The purpose of making the front reflex reflector amber and the rear reflex reflector red is to reveal a vehicle's direction of travel.[1]

As part of its reasoning, Grote stated that while the reflex reflectors do not meet the applicable color provision, incorporated in FMVSS No. 108 by reference to SAE J578c, 1977, they do satisfy the color requirements of a later version of this SAE standard. While compliance with any version other than SAE J578c cannot be substituted as proof of conformity, NHTSA believes the subject reflex reflectors would be perceived to emit a yellow color light and would not cause confusion to motorists regarding the intended safety purposes for which amber reflex reflectors are required. In addition,

[1] An Evaluation of Side Marker Lamps for Cars, Trucks and Buses, July 1983, DOT HS–606–430.

Grote provided test data to demonstrate that the reflex reflectors satisfy the reflectivity requirements specified in SAE J594f, which are also incorporated by reference in FMVSS No. 108. Based on these factors, we believe the subject noncompliance would not cause a significant safety risk to motorists.

NHTSA agrees with Grote that the noncompliance is inconsequential to motor vehicle safety because the nonconforming yellow reflex reflectors are easily distinguished from conforming red reflex reflectors thereby allowing recognition of the vehicle direction of travel.

In consideration of the foregoing, NHTSA has decided that Grote has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Grote's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: August 6, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–15613 Filed 8–9–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35055]

Dakota, Missouri Valley & Western Railroad, Inc.—Lease and Operation Exemption—Soo Line Railroad Company d/b/a Canadian Pacific Railway

Dakota, Missouri Valley & Western Railroad, Inc. (DMVW), a Class III carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate, pursuant to an agreement with Soo Line Railroad Company d/b/a Canadian Pacific Railway (CPR), approximately 45 miles of rail line, known as the Crosby Lines and the Lignite Line.[1] The Crosby Lines consist of a 32.54-mile line of rail from Crosby, ND, at CPR milepost 582.35 (BNSF milepost 89.5), to Lignite Junction, ND, at CPR milepost 550.80 (BNSF milepost 56.96), and three connecting lines that include: (i) A 1.16-mile line from Lignite Junction to Rival, ND, at CPR milepost 549.64; (ii) a 1.07-mile line from Kincaid, ND (BNSF milepost 64.5), to Columbus, ND, at CPR milepost 558.28; and (iii) a 0.49-mile line from Crosby to the original CPR line extending west to Whitetail, MT. The Lignite Line extends from BNSF milepost 47.0 east of Lignite to BNSF milepost 56.96 at Lignite Junction.

DMVW certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier. Because the projected annual revenues of the line, together with DMVW's projected annual revenue, will exceed $5 million, DMVW certified on July 12, 2007, that it has served the national offices of the labor unions with employees on the line with a copy of a notice of its intent to undertake this transaction and posted such notice at the workplace of the employees on the affected line on June 28, 2007, and July 3, 2007.

The earliest date this transaction can be consummated is September 10, 2007, the effective date of the exemption (60 days after DMVW certified its compliance with the labor notice requirements of 49 CFR 1150.42(e)).

If the verified 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. Petitions for stay must be filed no later than August 31, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35055, must be filed with the Surface Transportation Board, 395 E. Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on: Edward J. Fishman, Kirkpatrick & Lockhart Preston Gates Ellis LLP, 1601 K. Street, NW., Washington, DC 20006–1600.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: August 3, 2007.

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

Vernon A. Williams,

Secretary.

[FR Doc. E7–15461 Filed 8–9–07; 8:45 am]

BILLING CODE 4915–01–P

[1] In a related proceeding, STB Finance Docket No. 35068, *Soo Line Railroad Company d/b/a Canadian Pacific Railway—Acquisition and Operation Exemption—BNSF Railway Company,* CPR will be acquiring BNSF Railway Company's (BNSF) interests in the Crosby Line and is the sole owner of the Lignite Line. CPR holds the remaining undivided one-half interest in the Crosby Lines. DMVW previously has operated over the Crosby Lines pursuant to lease agreements with CPR. Upon the consummation of the related proceeding, CPR and DMVW will enter into a new lease allowing DMVW to operate over both lines, which will be under the sole ownership of CPR.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 249X)]

Union Pacific Railroad Company—Abandonment and Discontinuance Exemption—in Plumas and Sierra Counties, CA (Loyalton Industrial Lead)

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to: (1) Discontinue service over 11.07 miles of rail line in Plumas and Sierra Counties, CA, from milepost 0.55 near Hawley to milepost 11.62 near Loyalton; and (2) abandon 0.72 miles of rail line in Sierra County, CA, from milepost 11.62 to milepost 12.34 near Loyalton. The entire line is 11.79 miles and is referred to as the Loyalton Industrial Lead (LIL). The LIL traverses United States Postal Service Zip Codes 96118 and 96122.

UP has certified that: (1) No traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or filed by a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor or complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 11, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of

Continued