

Overhead Shield AccuJust (Model 02-045; 2/95 to 6/96); Touriva Overhead Shield (Model 02-034; 4/94 to 6/96); Touriva Overhead Shield AccuJust (Model 02-054; 4/94 to 6/96); Touriva 5 point (Model 02-564; 3/95 to 6/96); Touriva Overhead Shield (Model 02-055; 1/95 to 6/96); Touriva Luxury Overhead Shield (Model 02-065; 3/95 to 6/96); Olympian Overhead Shield (Model 02-257; 6/96); Touriva 5 point (Model 02-597; 6/96); Touriva Safe T-Shield (Model 02-096; 4/96 to 6/96); and Touriva Overhead Shield AccuJust (Model 02-064; 1/95 to 6/96). All of the models listed are convertible child restraints incorporating the same shell design and a pillow in the head contact area, but the different models are a combination of restraint types, cover designs, and options. In each of the affected models, a polyester fiberfill is utilized to form the pillow in the head area of the cover, and it is this polyester fiberfill material which exceeded the 4 inches per minute burn rate when tested in accordance with S5 of FMVSS No. 302. In its investigation, Cosco found burn rates ranging from 17.3 inches per minute to 39.5 inches per minute in six tests conducted on two different samples of the polyester fiberfill in question. In addition, Cosco determined that the noncompliant fiberfill material had been provided by one of the two vendors responsible for supplying the material to Cosco, but that not all fiberfill from this particular supplier was non-complying. However, as Cosco is unable to limit the extent to which the Touriva child restraints in question were manufactured with non-complying fiberfill with greater certainty, the 82,176 units referenced above represent all Touriva models manufactured using fiberfill from the supplier of the non-compliant material.

Cosco supports its application for inconsequential noncompliance with the following:

The non-complying polyester fiberfill is incorporated into a pillow located in the child restraint near the top of the pad in a vertical orientation. Cosco contends that this configuration minimizes the likelihood of ignition from cigarettes, which are specifically listed in FMVSS Standard No. 302 as a primary ignition source of concern, or any other similar ignition source.

The amount of potentially non-complying polyester fiberfill incorporated in the pillow is 0.0951 pounds, or approximately one percent of the total weight of the child restraint. This relatively small amount of non-complying polyester fiberfill is fully encased by materials which comply with the FMVSS No. 302 flammability

requirements to include the fabric covering the surface of the pad, the polyurethane foam in the pad, the fabric backing of the pad, and the polypropylene shell itself. The only way the non-complying fiberfill would be exposed to a source of ignition that has not already consumed the child restraint is if the cover of the pillow is torn, exposing the fiberfill, and an ignition source then finds its way to this exposed fiberfill. Cosco contends that the probability of such a sequence of events occurring is virtually nonexistent, and that the corresponding potential of the non-complying polyester fiberfill in the pillow contributing to an injury or death even less likely.

Cosco has not received reports indicating the burning of a cover of one of the suspect models, or any other child restraint cover. All occupant protection studies reviewed by Cosco indicate an almost infinitesimal risk of injury or death by vehicle fires in collisions.

Interested persons are invited to submit written data, views, and arguments on the application of Cosco described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two 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: March 23, 1998.

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

Issued on: February 13, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-4354 Filed 2-19-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Proposed adoption of a Railroad Cost Recovery Procedures productivity adjustment.

SUMMARY: The Surface Transportation Board proposes to adopt 1.096 (9.6%) as the measure of average growth in railroad productivity for the 1992-1996 (5-year) period. The current value of 5.0% was developed for the 1991 to 1995 period.

DATES: Comments are due by March 9, 1998.

EFFECTIVE DATE: The proposed productivity adjustment is effective 30 days after the date of service.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, DC 20423-0001. Parties should submit all pleading and attachments on a 3.5-inch diskette in WordPerfect 6.0 or 6.1 compatible format.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565-1549. TDD for the hearing impaired: (202) 565-1695.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW, Washington, DC 20423-0001, telephone (202) 289-4357. [Assistance for the hearing impaired is available through TDD services (202) 565-1695.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: February 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98-4358 Filed 2-19-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33549]

Pioneer Industrial Railway Co.—Lease and Operation Exemption—Peoria, Peoria Heights & Western Railroad

Pioneer Industrial Railway Co. (PRY), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to

lease from Peoria, Peoria Heights & Western Railroad (PPHW)¹ and to operate approximately 8.29 miles of rail line (line) in Peoria, Peoria County, IL, extending from approximately milepost 1.71 (E.P.S. 80+15, connecting with the Peoria & Pekin Union Railway Company) to approximately milepost 10.00 (E.P.S. 516+21, Pioneer Industrial Park Track).²

The parties report that they intend to consummate the transaction on or about February 17, 1998. The earliest the transaction can be consummated is February 16, 1998, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33550, *Pioneer Railcorp—Continuance in Control Exemption—Pioneer Industrial Railway Co.*, wherein Pioneer Railcorp has concurrently filed a verified notice to continue in control of PRY upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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. 33549, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: February 11, 1998.

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

Vernon A. Williams,
Secretary.

[FR Doc. 98-4339 Filed 2-19-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33550]

Pioneer Railcorp—Continuance in Control Exemption—Pioneer Industrial Railway Co.

Pioneer Railcorp (Pioneer), a noncarrier holding company, has filed a notice of exemption to continue in control of Pioneer Industrial Railway Co. (PRY), upon PRY's becoming a carrier. Pioneer owns all of the outstanding stock of PRY.

The transaction is scheduled to be consummated on February 17, 1998.

This transaction is related to STB Finance Docket No. 33549, *Pioneer Industrial Railway Co.—Lease and Operation Exemption—Peoria, Peoria Heights & Western Railroad*, wherein PRY seeks to lease and operate 23.4 miles of rail line from Peoria, Peoria Heights & Western Railroad.

Pioneer owns and controls twelve existing Class III shortline rail carriers: West Michigan Railroad Co., operating in Michigan; Fort Smith Railroad Co., operating in Arkansas; Alabama Railroad Co., operating in Alabama; Mississippi Central Railroad Co., operating in Mississippi and Tennessee; Alabama & Florida Railway Co., Inc., operating in Alabama; Decatur Junction Railway Co., operating in Illinois; Vandalia Railroad Company, operating in Illinois; Minnesota Central Railroad Co., operating in Minnesota; Keokuk Junction Railway, operating in Iowa and Illinois; Wabash & Western Railway Co., d/b/a Michigan Southern Railroad, operating in Michigan and Indiana; Rochelle Railroad Co., operating in Illinois; and Shawnee Terminal Railway Company, operating in Illinois.

Pioneer states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the eleven railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction

involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

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. 33550, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: February 11, 1998.

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

Vernon A. Williams,
Secretary.

[FR Doc. 98-4340 Filed 2-19-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98-14]

Customs Accreditation of Columbia Inspection Incorporated as an Accredited Laboratory

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of Accreditation of Columbia Inspection, Inc. as a Commercial Accredited Laboratory.

SUMMARY: Columbia Inspection, Inc., of Portland, Oregon, has applied to U.S. Customs for an extension of accreditation to perform petroleum analysis methods under § 151.13 of the Customs Regulations (19 CFR 151.13) to their Portland, Oregon, Fife, Washington, and Martinez, California facilities. Customs has determined that the Portland, Oregon and the Martinez, California offices meet all of the requirements for accreditation as a Commercial Laboratory to perform (1) API Gravity, (2) Sediment, (3) Distillation, (4) Reid Vapor Pressure, (5) Saybolt Universal Viscosity, (6) Sediment by Extraction, (7) Percent by Weight of Sulfur and (8) Percent by Weight of Lead. Further, Customs has determined that the Fife, Washington office meets all requirements for accreditation as a Commercial

¹ PPHW is jointly controlled by the City of Peoria, IL, and the Village of Peoria Heights, IL.

² Peoria & Pekin Union Railway Company, the current lessee and operator of the line, has reportedly asked PPHW to find a new operator for the line.