

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 Accu-Just (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 Accu-Just (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