

would be only one interview per respondent.

*Estimate of the Total Annual Reporting and Record Keeping Burden Resulting From the Collection of Information*—NHTSA estimates that each respondent in the sample would require an average of twenty minutes to complete the telephone interview. Thus, the number of estimated reporting burden hours a year on the general public (3,220 respondents multiplied by 1 interview multiplied by 20 minutes) would be 1,074 for the proposed survey. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Issued on: October 2, 1998.

**James Nichols,**

*Acting Associate Administrator for Traffic Safety Programs.*

[FR Doc. 98-27049 Filed 10-7-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[DP98-007]

#### Denial of Motor Vehicle Defect Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety. The petition is hereinafter identified as DP98-007.

**FOR FURTHER INFORMATION CONTACT:** Dr. George Chiang, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-5206.

**SUPPLEMENTARY INFORMATION:** Mr. Frank Czajka of Wilmington, Delaware, submitted a petition dated July 24, 1998, requesting that an investigation be initiated to determine whether Model Year (MY) 1996 Mercury Grand Marquis vehicles contain a defect related to motor vehicle safety within the meaning of 49 U.S.C. Chapter 301. The petitioner alleges that the head restraint on his MY 1996 Mercury Grand Marquis, positioned in the highest position, was not high enough to protect him from

neck injuries during a rear impact collision.

A review of agency data files, including information reported to the Auto Safety Hotline by consumers, indicated that there was only one complaint on head restraints on the subject vehicles. This complaint, which was submitted by the petitioner in December of 1997, concerned neck injuries allegedly sustained in a crash because of inadequate head restraint protection. There were no head restraint related complaints for either the MY 1995 or the MY 1997 Mercury Grand Marquis vehicles.

Section S4.3(b)(1) of Federal Motor Vehicle Safety Standard (FMVSS) No. 202, "Head Restraints," requires that the top of the head restraint, when adjusted to its fully extended design position, shall not be less than 27.5 inches above the seating reference point (SRP), when measured parallel to torso line.

On September 2, 1998, an ODI staff member inspected a subject vehicle and found that the top of the head restraint was approximately 27.5 inches above the SRP with the head restraint in its stowed position, and 29.0 inches above the SRP with the head restraint adjusted to its fully extended position, when measured parallel to torso line (precise measurement of the SRP location was not possible on an installed driver seat, because the seat track, used to locate the SRP, was partially obstructed by the vehicle structure and the seat cushion). Ford Motor Company's FMVSS No. 202 compliance data verified that for the subject vehicles, the driver seat head restraint met the requirement of Section S4.3 (b)(1) of the Standard. Specifically, the top of the head restraint was measured to be 29.9 inches above the SRP with the head restraint adjusted to its fully extended position, when measured parallel to torso line.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject vehicles at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: September 29, 1998.

**Kenneth N. Weinstein,**

*Associate Administrator for Safety Assurance.*

[FR Doc. 98-27025 Filed 10-7-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33667]

#### Durbin & Greenbrier Valley Railroad—Operation Exemption—West Virginia Central Railroad

Durbin & Greenbrier Valley Railroad (D&GVR), a noncarrier, has filed a verified notice under 49 CFR 1150.31 to operate 131.3 miles of rail line owned by West Virginia State Rail Authority (WVSR), known as West Virginia Central Railroad (WVCR). The rail line extends from a junction with CSX Transportation, Inc. (CSXT), at Tygart Junction (milepost 0.0) to Bergoo (milepost 121.7), and includes a branch line, known as the Dailey Branch, extending from Elkins (milepost 0.0) to Dailey (milepost 9.6), located in Barbour, Randolph, Pocahontas and Webster Counties, WV. D&GVR will replace CSXT, which has been operating over a portion of the line, and will become a Class III rail carrier.<sup>1</sup>

The exemption became effective September 29, 1998. The parties stated that D&GVR will commence operations on the line on October 3, 1998, or 7 days after the filing of this notice, whichever is later.

On September 3, 1998, D&GVR enter into an operating agreement with WVSR to provide freight and passenger services over the WVCR for a period of five years with renewal options. The agreement gives D&GVR the right to provide routine maintenance-of-way, rolling stock, personnel, and facilities to provide these services. In addition, D&GVR is expected to restore service over the Dailey branch, which currently is out-of-service, should traffic be developed for that portion of the line.

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. 33667, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925

<sup>1</sup> WVSR acquired this line from CSXT in 1997. See *CSX Transportation, Inc.—Abandonment—In Barbour, Randolph, Pocahontas and Webster Counties, WV*, Docket No. AB-55 (Sub-No. 500) (ICC served Jan. 9, 1997). CSXT currently operates over a portion of the line under an agreement with WVSR which will terminate on October 2, 1998.

D&GVR states that the projected revenues will not exceed those that would qualify it as a Class III rail carrier.