

**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236**

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

*Docket No.:* FRA-1999-5432.

*Applicant:* Belt Railway Company of Chicago, Mr. Charles S. Ridgeway, Signal Supervisor/Manager, 6900 South Central Avenue, Bedford Park, Illinois 60638.

The Belt Railway Company of Chicago seeks approval of the proposed temporary discontinuance of the signal system, on all tracks within interlocking limits, at East End Switches Interlocking Plant, in Chicago Illinois, for approximately three months, during construction associated with the complete upgrading and replacement of the power-operated switches and interlocking signal system.

The reason given for the proposed changes is the need to replace the 1950's, installed electro-pneumatic switch machines and all-relay interlocking, with new dual-control, electric switch machines and new microprocessor-based interlocking, associated with significant track changes.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, DC 20590-0001.

Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT

Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 21, 1999.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 99-13788 Filed 5-28-99; 8:45 am]

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*Docket No.:* FRA-1999-5430.

*Applicant:* Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179-1000.

Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system, on the Hope Industrial Lead, between Herington, Kansas, milepost 451.4 and Hope, Kansas, milepost 459.2, on the Herington Subdivision, a distance of approximately 7.8 miles.

The reason given for the proposed changes is that rails have been removed in both directions from the industrial lead and train movements are infrequent so signals are no longer needed.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the

interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 21, 1999.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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*Docket No.:* FRA-1999-5431.

*Applicant:* Union Pacific Railroad Company, Mr. P.M. Abaray, Chief Engineer Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179-1000.

Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the signal system at Katy Neck, milepost 1.6, near Houston, Texas, on the Glidden Subdivision, including conversion of the interconnecting track between Harrisburg Junction and Manchester Junction to dark yard limits, and removal of the electrically locked gate.

The reason given for the proposed changes is that due to changes in train operations, the electrically locked gate at Katy Neck causes unnecessary train delays.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protester in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room PI-401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590-0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on May 21, 1999.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-4033; Notice 2]

#### Cosco, Inc.; Denial of Application for Decision of Inconsequential Noncompliance

Cosco, Incorporated, of Columbus, Indiana, has determined that a number of child restraint systems that it manufactured fail to comply with 49 CFR 571.213, Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," and has filed an appropriate report pursuant to 49 CFR part 573, "Defects and Noncompliance Reports." Cosco has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 "Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on July 22, 1998, in the **Federal Register** (63 FR 39359). We received no comments.

FMVSS No. 213, S5.4.3.5(b), requires that, after the dynamic test of S6.1 of the standard, when tested in accordance with the appropriate sections of S6.2 of the standard, any buckle in a child restraint system belt assembly designed to restrain a child using the system shall release when a force of not more than 71 Newtons (N) (16 pounds) is applied, provided that the conformance of any child restraint to this requirement is determined using the largest of the test dummies specified in S7 for use in testing that restraint when the restraint is facing forward, rearward, and/or laterally. Additionally, S5.4.3.5(e) requires that any buckle in a child restraint system belt assembly designed to restrain a child using the system shall not release during the dynamic testing specified in S6.1 of the standard.

Four Cosco Touriva T-shield convertible child restraints, Model 02-096, were tested at Calspan Corporation as part of NHTSA's child restraint compliance testing program. When tested with the 3-year-old dummy in the upright position, the plunger pin of the buckle assembly of one of the seats was sheared, and the buckle released during the dynamic test. Following a retest of another seat conducted using the same configuration, the post-test buckle release force exceeded 71 N (77.8 N, or 17.5 lb). The post-test release forces for units tested with the infant dummy and with the 3-year-old dummy in the reclined position did not exceed 71 N.

We notified Cosco of the test failures noted above, as documented in Calspan Report Number 213-CAL-96-013. Following that notification, Cosco conducted its own investigation, in which it obtained results that, in some cases, were similar to those in our tests. Thereafter, Cosco notified us of its determination that it manufactured and distributed a number of Touriva convertible child restraint systems that do not comply with the above requirements. The units covered by that determination are those Touriva T-shield models manufactured from May 1, 1996, through November 26, 1997, as follows: Touriva Convertible Safe T-Shield, Full Wrap Fabric Cover (Model 02-084, 5/96 to 11/97, quantity: 11,018); Touriva Convertible Safe T-Shield, Partial Wrap Fabric Cover (Model 02-094, 5/96 to 11/97, quantity: 7,202); Touriva Convertible Safe T-Shield, Full Wrap Fabric Cover with Pillow (Model 02-096, 5/96 to 10/97, quantity: 1,411); Touriva Convertible Safe T-Shield, Partial Wrap Vinyl Cover (Model 02-404, 5/96 to 5/97, quantity: 682); Touriva Convertible Safe T-Shield, Partial Wrap Fabric Cover (Model 02-821, 5/96 to 11/97, quantity: 186,040).

Cosco supports its application for a determination of inconsequential noncompliance with the following:

Cosco was able to obtain units manufactured both on and near the dates in question as well as subsequent production units. After extensive in-house dynamic testing and analysis, units were sent to Calspan for testing. Cosco made repeated trips to Calspan in an attempt to understand and resolve this potential noncompliance. Cosco was able to obtain results in isolated tests similar to that of the FY96 NHTSA tests. Cosco was not able to attribute the potential noncompliance to the design or manufacture of any particular component. We ran dozens of in-house tests and spent hundreds of hours in an effort to determine the reason isolated units manufactured on or after 5/10/96 were inconsistently exhibiting high post-test buckle release pressure and shearing of the plunger pin. The results have been inconsistent. The T-shield units involved in NHTSA's FY97 test program tested successfully, but were of identical construction and design to those which failed the FY96 testing.

Since the Touriva T-shield models were first introduced in 1994, Cosco has required the vendor who is molding the housing and plunger pin and assembling the buckle assembly housing, spring and plunger pin to perform a pretest buckle release pressure on *each* assembly. No buckle assembly exhibiting a pretest buckle release pressure of over 13 lb nor under 10 lb has ever been used in the production of any Touriva convertible child restraint, including the T-shield units in question. In searching for possible explanations for the isolated deficiencies, Cosco made a material change to the housing