

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 23, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-19154 Filed 7-25-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-13014; Notice 2]

Dorel Juvenile Group; Denial of Application for Decision of Inconsequential Noncompliance

Dorel Juvenile Group [Cosco] (DJG), of Columbus, Indiana, failed to comply with S5.1.1(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, "Child Restraint Systems," and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." DJG 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 on September 5, 2002, in the **Federal Register** (67 FR 56872), with a 30-day comment period. NHTSA received no comments.

The noncompliance reported by DJG is the separation of the tether strap and steel belt slot adjustment channel from the Cosco Alpha Omega child restraint system (CRS) seat shell produced from November 1, 2000 through January 10, 2001 (6 Models and 86,476 units).

FMVSS No. 213, S5.1.1 "Performance Requirements," requires for dynamic performance that:

S5.1.1. *Child restraint system integrity.* When tested in accordance with S6.1 each child restraint system shall meet the requirements of paragraphs (a) * * * of this section.

(a) Exhibit no complete separation of any load bearing structural element

* * *

DJG supports its application for inconsequential noncompliance with the following, as summarized by NHTSA.

DJG does not think that tether separation during sled test constitutes a complete separation of a load bearing structural element. DJG believes that the regulatory history of S5.1.1 shows that the purpose of the requirement is to reduce the likelihood of injury during collapse or disintegration of the system; therefore, the cutting of the tether strap does not present a risk of collapse or disintegration. DJG states that the agency's compliance test data show tether separation of the Alpha Omega CRS under dynamic loading provides significantly improved results compared to other Alpha Omega CRS without tether separation under dynamic loading. Therefore, DJG filed this petition on the basis that the noncompliance is inconsequential to motor vehicle safety.

The agency has reviewed DJG's application and concluded that the noncompliance is not inconsequential to motor vehicle safety for the following reasons.

First, even though the Alpha Omega CRS met other dynamic test requirements, it did not meet S5.1.1(a) when the tether strap separated from the CRS. The agency has consistently viewed tether strap separation as a load bearing structural failure.

Second, structural failure is similar to vehicle LATCH anchorage failure—a failure of either one causes a child seat to be restrained improperly.

Finally, the agency has taken enforcement action for a similar failure. In 2001, the agency notified Britax Child Safety, Inc (Britax), of a potential noncompliance due to the detachment of a tether strap during dynamic testing of one of its child restraint models. Britax initiated a recall campaign to provide owners of the affected model with repair kits.

In consideration of the foregoing, NHTSA has decided that DJG has not met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety. Accordingly, DJG's application is hereby denied. Therefore, DJG must fulfill its obligation to notify and remedy under 49 U.S.C. 30118(d) and 30120(h).

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

Issued on: July 22, 2003.

Roger A. Saul,

Director, Office of Crashworthiness Standards.

[FR Doc. 03-19152 Filed 7-25-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-98-4470]

Pipeline Safety: Meeting of the Technical Hazardous Liquid Pipeline Safety Standards Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice—Meeting of Technical Hazardous Liquid Pipeline Safety Standards Committee.

SUMMARY: The Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) will convene a meeting of the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC). The purpose of the meeting is to request the Committee's input on the conceptual framework of the OPS five-year research and development program plan as required by section 12 of the Pipeline Safety Improvement Act of 2002. RSPA/OPS staff will also brief the Committee and request their advice on a possible rule change to the operator qualification standard and on a rulemaking on annual reporting.

DATES: The meeting will be held on Wednesday, August 6 from 11 a.m. to 2 p.m. Advisory Committee members will participate via telephone conference call. Notice of each Committee meeting will be published in the **Federal Register** at least 15 days in advance of the meeting, except in emergency situations. This Notice is delayed due to the complex coordination among several agencies to complete and expedite the conceptual framework of the OPS five-year research and development program plan to meet the December 2003 deadline required by the Pipeline Safety Improvement Act of 2002.

ADDRESSES: Members of the public may attend the meeting in room 4236 at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC.

An opportunity will be provided for the public to make short statements on the topics under discussion. Anyone wishing to make an oral statement should notify Jean Milam, (202) 493-0967, not later than August 1, 2003, on the topic of the statement and the length

of the presentation. The presiding officer at the meeting may deny any request to present an oral statement and may limit the time of any presentation.

You may submit written comments by mail or deliver to the Dockets Facility, U.S. Department of Transportation (DOT), Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. It is open from 10 a.m. to 5 p.m., Monday through Friday, except Federal holidays. You also may submit written comments to the docket electronically. To do so, log onto the following Internet Web address: <http://dms.dot.gov>. Click on "Help & Information" for instructions on how to file a document electronically. All written comments should reference docket number RSPA-98-4470. Anyone who would like confirmation of mailed comments must include a self-addressed stamped postcard.

You may search the electronic form of all comments received into any of the DOT dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (Volume 65, Number 70; pages 19477-78) or you may visit <http://dms.dot.gov>.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Jean Milam at (202) 493-0967.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, OPS, (202) 366-4431 or Richard Huriaux, OPS, (202) 366-4565, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: The agenda for this meeting of the THLPSSC will include:

1. A briefing and request for Committee comment on the conceptual

framework of the OPS five-year research and development program plan.

2. A briefing and request for advice on a possible rule change to the Operator Qualification Standard.

3. A briefing on the hazardous liquid annual report rulemaking.

The THLPSSC is a statutorily mandated advisory committee that advises RSPA/OPS on proposed safety standards for liquid pipelines. The advisory committee is constituted in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1). The committee consists of 15 members—five each representing government, industry, and the public. The THLPSSC is tasked with determining reasonableness, cost-effectiveness, and practicability of proposed pipeline regulations.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC, on July 22, 2003.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 03-19151 Filed 7-25-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34378]

The Burlington Northern and Santa Fe Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) on UP's Black Butte and Valley Subdivisions, between Klamath Falls, OR, at UP milepost 428.7, and Binney Junction (Marysville), CA, at UP milepost 141.9, a distance of approximately 285 miles.¹

¹ By amendment received on July 16, 2003, BNSF states that the reason there is a 1.8-mile difference between the milepost locations and the actual

The transaction was scheduled to become effective on July 16, 2003, and the authorization is scheduled to expire on August 15, 2003. The purpose of the temporary rights is to allow BNSF to bridge its train service while its main lines are out of service due to certain programmed track, roadbed, and structural maintenance.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), *aff'd sub nom. Railway Labor Executives' Ass'n v. United States*, 675 F.2d 1248 (D.C. Cir. 1982).

This notice is filed under 49 CFR 1180.2(d)(8). 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 stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34378, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Michael E. Roper, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

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

Decided: July 18, 2003.

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

Vernon A. Williams,
Secretary.

[FR Doc. 03-18974 Filed 7-25-03; 8:45 am]

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distance is that the railroad uses station mileposts to determine mileage. BNSF indicates that there frequently is a small distance between the station milepost and the actual location of the switch where the railroad enters or departs its trackage.