

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.¹

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

¹ 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.

K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Stephen L. Day, Esq., Betts, Patterson & Mines, P.S., 1215 Fourth Avenue, Suite 800, Seattle, WA 98161-1090.

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Decided: October 1, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-27048 Filed 10-7-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33644]

Tongue River Railroad Company, Inc.—Acquisition and Operation Exemption—Tongue River Railroad Company

Tongue River Railroad Company, Inc. (TRRC Inc.), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 and 49 CFR 1150.35 to acquire from Tongue River Railroad Company (Partnership),¹ Partnership's existing transportation assets, including the previously issued Interstate Commerce Commission and the Board permits to construct and operate lines of railroad between Miles City and Decker/Spring Creek, MT (line). Once constructed, TRRC Inc. will operate approximately 120 route miles from milepost 0.0 at Miles City, to Spring Creek, which will be milepost 114.8, if constructed over the Western Alignment,² or milepost 126.9, if constructed over the Four Mile Creek

¹ All of the common stock of TRRC Inc. will be owned by Partnership, which is a Montana limited partnership. The sole stated purpose of the transaction is to convert the entity that will construct and operate the Tongue River Railroad Company from a partnership to a corporation in order to facilitate certain transactions that will need to be undertaken in order to exercise the construction and operation authority previously granted in *Tongue River Railroad Company—Rail Construction and Operation—in Custer, Powder River and Rosebud Counties, MT*, Finance Docket No. 30186, et al. (ICC served May 9, 1986) and *Tongue River Railroad Co.—Rail Construction and Operation—Ashland to Decker, Montana*, Finance Docket No. 30186 (Sub-No. 2) (ICC served Nov. 8, 1996) (the 1996 decision).

² Authority to construct over the Western Alignment is the subject of the pending application in *Tongue River Railroad Company—Construction and Operation—Western Alignment*, STB Finance Docket No. 30186 (Sub-No. 3).

Alternative.³ The line will also include the Otter Creek Spur, running from milepost 68.3, at Ashland, MT, to Terminus Point #2, approximately 7.7 miles southeast of Ashland in the Otter Creek Drainage. TRRC Inc. will become a Class II rail carrier upon commencement of operations.⁴

Pursuant to 49 CFR 1150.35(a), TRRC Inc. must comply with the notice requirement of 49 CFR 1150.32(e). TRRC Inc. certified to the Board, on September 18, 1998, that it had complied with the notice requirements of section 1150.32(e) on September 4, 1998. This notice must be provided at least 60 days before the exemption becomes effective. Therefore, the earliest the transaction can be consummated is November 17, 1998, the effective date of the exemption (60 days after TRRC Inc.'s September 18, 1998 certification to the Board).⁵

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.⁶

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33644, 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 Mike T. Gustafson, Esq., 550 North 31st Street, Suite 250, Billings, MT 59101.

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Decided: October 2, 1998.

³ The Board granted Partnership authority to construct over the Four Mile Creek Alternative in the 1996 decision.

⁴ TRRC Inc. represents that The Burlington Northern and Santa Fe Railway Company may be the operator of the property if an agreement can be reached between the parties.

⁵ While TRRC Inc. and Partnership maintain that there are no employees currently employed by either company and that 49 CFR 1150.32(e) and 1150.35(c)(3) have no applicability to the transaction, they have not specifically requested a waiver of the compliance requirements for those sections in their verified notice of exemption.

⁶ The City of Forsyth, MT, the United Transportation Union-Montana State Legislative Board and the United Transportation Union-General Committee of Adjustment (GO-386), two subordinate units of the United Transportation Union (Forsyth/UTU), and the Northern Plains Resource Council Inc., have filed petitions to stay the operation of the notice of exemption. Forsyth/UTU has also filed a petition to reject the notice of exemption and/or to revoke the exemption. These petitions are pending before the Board and will be addressed in a subsequent decision.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-27047 Filed 10-7-98; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 126X)]

Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, WI

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon and discontinue service over a 2.0-mile line of railroad on the Clyman Branch from the end of the line at milepost 110.0 to milepost 112.0 near Fort Atkinson, in Jefferson County, WI. The line traverses United States Postal Service ZIP Code 53538.¹

UP has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and

¹ UP previously received abandonment authority for the 2.0-mile line segment in *Union Pacific Railroad Company—Abandonment Exemption—in Jefferson County, WI*, STB Docket No. AB-33 (Sub-No. 111X), (STB served June 26, 1997). The June 26 notice stated that "If consummation has not been effected by UP's filing of a notice of consummation by June 26, 1998, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire." Also, by decision served July 24, 1997, the abandonment was made subject to environmental conditions that UP shall: (a) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying the three geodetic markers identified by NGS that might be affected by the abandonment; and (b) comply with the State of Wisconsin Abandoned Railroad Line Salvage and Clean-up Procedures and consult with the Wisconsin Department of Transportation concerning permits for salvage operations at state highway-railroad at-grade crossings. Because UP did not consummate the abandonment prior to June 26, 1998, the authority to abandon expired. Hence, UP has filed this new notice of exemption to cover the same 2-mile line.