

submit a casualty or accident report to that authority.

Need: Title 46 U.S.C. 6102(a) requires the establishment of a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting. The statute requires a State to compile and submit to the Coast Guard; reports, information and statistics on casualties that are reported to the State.

Respondents: Operators of recreational boats.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4,000 hours annually.

2. Title: Certificate of Discharge to Merchant Mariners.

OMB No.: 2115-0042.

Summary: This collection of information requires a master or mate of a shipping company to submit information on merchant mariners to the U.S. Coast Guard that: (1) establishes their sea service time; (2) sets forth their qualifications for their original or upgrading their existing credentials; and (3) sets forth their qualifications for retirement or insurance benefits.

Need: Under Title 46 USC 10311, the information collected is used to show eligibility for merchant mariners documents and to provide information to the Maritime Administration on the availability of mariners in a time of National emergency.

Respondents: Masters or Mates of Shipping Companies and Merchant Mariners.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4,500 hours annually.

Title: Report of Oil or Hazardous Substance Discharge.

OMB No.: 2115-0137.

Summary: The collection of information requires any person in charge of a vessel or an onshore or offshore facility to report to the National Response Center, as soon as they have knowledge of, any discharge of oil or hazardous substance by telephone, radio, telecommunication or a similar means of rapid communication.

Need: Title 49 CFR 171.15, 33 CFR 153.203 and 40 CFR 264, has mandated that the National Response Center be the central place to report all pollution spills by the public.

Respondents: Persons in charge of a vessel or onshore/offshore facility.

Frequency: On occasion.

Burden: The estimated burden is 32,832 hours annually.

4. Title: 46 CFR Subchapter F—Plan Approval and Records for Marine Engineering Systems.

OMB No.: 2115-0142.

Summary: The collection of information requires owners or builders of commercial vessels to submit to the U.S. Coast Guard for review and approval, plans pertaining to the marine engineering system prior to construction to ensure that the vessel, if built in accordance with the plans, will meet the regulatory standards.

Need: Under 46 U.S.C. 3306, 46 U.S.C. 8105, and 49 CFR 1.46, the U.S. Coast Guard has promulgated safety regulations for the marine engineering systems on board commercial vessels to ensure that safety standards are met.

Respondents: Owners and builders of commercial vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden is 3727 hours annually.

5. Title: Benzene.

OMB No.: 2115-0586.

Summary: The collection of information requires owners of U.S. Coast Guard inspected vessels, including tank ships and barges that transport benzene (except vessels of foreign registry) to: (1) test and monitor those vessels for benzene vapor; (2) provide medical surveillance, training and other protective measure for those employees exposed to benzene vapor in excess of the action level; and (3) keep records to show that they have met each requirement.

Need: Under 46 U.S.C. 3703 and 49 CFR 1.46 the Coast Guard is authorized to issue regulations dealing with the handling and storage of cargo and the protection of life and property in the marine area.

Respondents: Owners of inspected vessels, tank ships and barges.

Frequency: As required.

Burden Estimate: The estimated burden is 59,755 hours annually.

6. Title: Vessel Identification System (VIS).

OMB No.: 2115-0607.

Summary: The collection of information requires States and U.S. Territories, who wish to participate, to provide data on State numbered and titled recreational vessels to a central database known as the "Vessel Identification System" (VIS) which is maintained by the U.S. Coast Guard.

Need: Under Title 46 U.S.C. Chapters 121, 123, 125 and 33 CFR, Part 187, the U.S. Coast Guard has established a national vessel identification system for State numbered and titled vessels to be used by State and Federal agencies and local law enforcement.

Respondents: State agencies and U.S. Territories.

Frequency: Daily (automatic computer driven upload of data).

Burden Estimate: The estimated burden is 2,057 hours annually.

7. Title: Application For Use of U.S. Coast Guard Telecommunications Facilities.

OMB No.: 2115-New.

Summary: The collection of information requires respondents desiring to place commercial antennas on Coast Guard facilities to provide technical data, on a four part form, that will be used to evaluate the electromagnetic effects of these antennas on the environment.

Need: The Telecommunications Act of 1996, Section 704(c), directs the President or his designee to prescribe procedures by which Federal departments and agencies may make available property, rights-of-way, and easements under their control, on a fair, reasonable, and nondiscriminatory basis.

Respondent: Commercial Mobile Telecommunications Service applicants.

Frequency: On occasion.

Burden Estimate: The estimated burden is 4000 hours annually.

Dated: October 24, 1996.

J. T. Tozzi,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

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Federal Highway Administration

[FHWA Docket No. MC-96-40]

Motor Carrier Regulatory Relief and Safety Demonstration Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental notice; request for comments.

SUMMARY: The FHWA is inviting comment on the issue of Federal preemption of State motor carrier laws or regulations as they may relate to the proposed Motor Carrier Regulatory Relief and Safety Demonstration Project (the Project). The Project itself was originally proposed, and comment thereon sought, by a notice dated August 28, 1996 (61 FR 44385). The Project would allow motor carriers operating certain commercial motor vehicles (CMVs) in interstate commerce to qualify for exemption from certain Federal Motor Carrier Safety Regulations (FMCSRs) for a three year period.

DATES: Written comments pursuant to this notice must be received on or before November 29, 1996.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC-96-40, Room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., Office of Motor Carrier Research and Standards, (202) 366-4009, or Ms. Grace Reidy, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, DOT, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On November 28, 1995, the President signed the National Highway System Designation Act (Pub. L. 104-59, 109 Stat. 568 (1995)(NHS Act)). Section 344 of the NHS Act, now codified at 49 U.S.C. 31136, mandated that the FHWA implement a pilot program for motor carriers operating CMVs with a gross vehicle weight rating between 10,001 and 26,000 pounds in interstate commerce to qualify for exemption from certain of the FMCSRs (49 CFR Part 350 *et seq.*). Notice was given on August 28, 1996, proposing the Motor Carrier Regulatory Relief and Safety Demonstration Project, and seeking comment thereon. The comment period closed on September 27, 1996; a notice of final determination will be published as soon as practicable.

Docket comments received concerning the Project raised the issue of the relation between this Project and the existing motor carrier regulations of the States, and the potential use of Federal preemption to resolve any conflicts between the Federal and State provisions. This notice solicits further public comment upon this issue.

Section 31141 of Title 49, United States Code, provides the Secretary with the authority to preempt a State law or regulation that is less stringent than a regulation issued pursuant to 49 U.S.C. 31136. A State law or regulation that is additional to or more stringent than a Federal statute may also be preempted if the Secretary determines that it has no safety benefit, is incompatible with the regulations prescribed by the Secretary, or that enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

In its August 28, 1996, notice, the FHWA stated that it is seeking to implement the Project in partnership with the States. Some commenters have

asserted that relief from the enforcement of Federal rules will have little value to participating motor carriers without relief from similar State laws or regulations. Accordingly, the FHWA requests comments, particularly from the various States, from the highway safety community, and from the motor carrier industry, on the need for, and the extent of, any Federal preemption of State laws to ensure that the Project is effectively and efficiently executed.

As stressed in the notice of August 28, 1996, notwithstanding the FHWA's preemption authority, it is FHWA's stated intent to implement this Project in a cooperative manner with the States. This Project is designed to minimize the disruption to the States and motor carriers, and to facilitate an examination of the effect of performance-based standards on a group of motor carriers while continuing to assure a high level of highway safety. With the cooperation of FHWA's State partners, this Project could provide data which will serve as the foundation for a new regulatory scheme which advances the public safety interests of the FHWA and the States effectively and efficiently.

(49 U.S.C. 31136 and 31141; 49 CFR 1.48)

Issued on: October 23, 1996.

Rodney E. Slater,

Federal Highway Administrator.

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National Highway Traffic Safety Administration

[Docket No. 96-110; Notice 1]

Cosco, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Cosco, Inc. (Cosco), of Columbus, Indiana, has manufactured and distributed add-on child restraint systems that fail to conform to the requirements of 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, "Defect 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.

This notice of receipt of an application is published under 49 U.S.C. 30118(d) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

In FMVSS No. 213, Paragraph 5.2.3.2 states that "each system surface, * * * which is contactable by the dummy head when the system is tested in accordance with Section 6.1, shall be covered with slow recovery, energy absorbing material with the following characteristics:

"(a) A 25 percent compression-deflection resistance of not less than 0.5 and not more than 10 pounds per square inch when tested in accordance with S6.3

"(b) A thickness of not less than 1/2 inch for materials having a 25 percent compression-deflection resistance of not less than 1.8 and not more than 10 pounds per square inch when tested in accordance with S6.3. Materials having a 25 percent compression-deflection resistance of less than 1.8 pounds per square inch shall have a thickness of not less than 3/4 inch."

Cosco's description of the noncompliance follows: Cosco has determined that a limited number of Grand Explorer booster seats, Cosco model 02-424 GDM and 02-424-OXF manufactured during certain weeks of May/June, 1996, contain foam in the barrier pad that does not meet the requirements of FMVSS No. 213.

The barrier pad on a production unit of the Grand Explorer did not meet Paragraph 5.2.3.2 in that it appeared to be less dense and have less compression-deflection resistance than required by the Standard. Cosco has determined that 7,004 noncomplying units were shipped to retailers of vehicles, 2,711 units were returned. The balance of 4,293 units that have not been returned are presumed to have been sold to consumers.

Cosco stated that, in anticipation of amendments to FMVSS No. 213 adding new test dummies and different dynamic test parameters, it [Cosco] developed a new booster child restraint system known as the Grand Explorer. This model has a removable shield of slightly different design than the original Explorer. When the shield is removed, the Grand Explorer serves as a belt positioning booster seat. Production of the Grand Explorer began in January 1996.

When the Grand Explorer with the shield was dynamically tested using the three year old test dummy, the head of the dummy contacted the shield's surface. Cosco then specified that the foam in the pad for the Grand Explorer comply with FMVSS 213 S. 5.2.3.2 (b), that is foam having a 25 percent compression-deflection resistance of between 0.5 and 1.8 pounds per square inch with a thickness of not less than 3/4 inch. Cosco specified that the foam for