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 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

FMVSS No. 213, S5.4.3.5(b), requires that after the dynamic buckle release test prescribed in 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(d) requires that the buckle latch of a child restraint system shall not fail, nor gall or wear to an extent that normal latching and unlatching is impaired when tested in accordance with the buckle latch test requirements in S5.2(g) of FMVSS No. 209, ''Seat Belt Assemblies.''

Four Cosco Touriva T-shields, Model 02–096, were tested as part of the National Highway Traffic Safety Administration's (NHTSA) fiscal year (FY) 1996 child restraint testing program. When tested with the 3-year-old dummy in the upright position, the plunger pin of the buckle assembly was sheared, and the buckle released during the dynamic test. In a retest conducted using the same configuration, the post-test buckle release force exceeded 71 N (77.8 N, or 17.5 lb). Units tested with the infant dummy and with the 3-year-old dummy in the reclined position were in compliance. NHTSA notified Cosco of the test failures noted above, as documented in Calspan Report Number 213–CAL–96–013. In its own investigation, Cosco was able to obtain results in isolated tests similar to those in the FY96 NHTSA tests. Accordingly, Cosco has confirmed that it has manufactured and distributed a limited number of Touriva convertible child restraint systems that may not comply with the above requirements. The units potentially exhibiting noncompliance 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 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 of the buckle assembly and the material of the plunger pin. This material change has resulted in eliminating any potential noncompliance related to both the high post-test buckle release pressure and the shearing of the plunger pin, although the minimal differences in properties between the materials does not adequately or conclusively explain the test results. All T-shield units manufactured after November 27, 1997 have a housing manufactured using 30% glass filled nylon instead of ABS and a plunger pin using Delrin 100P versus Delrin 500. The T-shield units supplied for NHTSA FY98 testing had the new materials incorporated into the buckle assembly.

In its Part 573 Report to the agency, Cosco stated that it:

> . . . does not believe that any defect or repeatedly discernable noncompliance exists with the subject child restraint * * * While a small percentage of the Calspan tests performed on the subject units did exhibit noncompliance results, a vast majority of identical child restraints manufactured during the same period produced complying test results. Cosco concludes from this testing and our exhaustive analysis of the subject child restraints and testing procedures that the noncompliance test results are not the result of the design, materials, or manufacturing processes involved in the production of the subject child restraints, but rather test variables and anomalies that are inherent in the 213 test procedures.

In the summary of its application for inconsequential noncompliance, Cosco stated that it ''does not believe the inconsistent deficiency exhibited by a few of the tested units warrants a recall.'' Cosco concluded that ''reasonable evaluation of the facts surrounding this technical noncompliance will result in the decision that no practical safety issue exists.''

Interested persons are invited to submit written data, views, and arguments on the application of Cosco described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 21, 1998.

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

Issued on: July 16, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–19427 Filed 7–21–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–98–4029; Notice 1]

Pipeline Safety: Implementation of One-Call Systems Study

AGENCY: Research and Special Programs Administration (RSPA); Office of Pipeline Safety (OPS).

ACTION: Notice of public meeting.

SUMMARY: This notice announces RSPA's intent to establish a team of government, industry, and public representatives to study best practices in damage prevention to underground utilities. The team will evaluate the effectiveness of various existing one-call notification systems in protecting the public, individuals engaging in excavation activities, and the environment, and in preventing disruptions to public services and damage to underground facilities like pipelines, telecommunications, electric, water and sewer lines. This notice also announces a public meeting to solicit views and recommendations on the direction of this study of one-call system best practices and to identify sources of information which should be considered as part of the study. RSPA invites interested parties to attend this public meeting, and to make presentations on views and areas of investigation which should be considered in the study, and to identify persons and organizations who should participate on the study team.

DATES AND LOCATION: The public meeting will be held on August 25–26, 1998, at the Ritz Carlton, Pentagon City, 1250 South Hayes Street, Arlington, Virginia.

ADDRESSES: Comments on the subject matter of this notice should be sent to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, or you can E-Mail your comments to ops.comments@rspa.dot.gov. Comments should identify the docket number RSPA–98–4029. The Dockets facility is open from 10:00 a.m. to 5:00 p.m. Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Eben M. Wyman, (202) 366–0918, or by e-mail (eben.wyman@rspa.dot.gov), regarding the subject matter of this Notice. Further information can be obtained by accessing OPS' Internet Home Page at: ops.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Excavation damage is the leading cause of pipeline failures and a leading cause of service interruptions for other underground facilities; it is usually preventable. Excavation damage affects vital services and products delivered through all underground facilities: telecommunications, electricity, cable television, fiber optics, water and sewer lines, and petroleum and natural gas pipelines. These accidental dig-ins can result in loss of life, injuries, severe property damage and loss of vital services for homes and businesses.

At the heart of damage prevention is better communications between excavators and operators of underground facilities. One-call systems provide a mechanism for excavators to notify facility operators of planned excavation, so that underground utilities can mark where their equipment and facilities are located to prevent damage. The approach to improving protection need not be costly or complicated.

Study of Best Practices

RSPA's Office of Pipeline Safety (OPS) is planning to study damage prevention practices associated with existing one-call notification systems. The purpose of the study is to gather and assess hard factual data in order to determine which existing one-call notification systems practices appear to be the most effective in protecting the public, excavators, and the environment and in preventing disruptions to public services and damage to underground facilities. The findings of the study will inform state agencies and one-call system operators about practices, technologies and methods that can improve overall system performance.

Subsequent to the completion of the study in FY 1999, OPS and other organizations planning implementation expect to provide financial assistance to States as an incentive for one-call systems to implement those practices, technologies and methods which best can improve overall one call system performance.

Damage Prevention Quality Action Team

In recent years, when OPS needed to bring diverse parties together for problem-solving on approaches to risk management, mapping, and damage prevention, the Quality Action Team (QAT) model has been an effective process for data gathering, determining options and collecting and addressing issues. Most recently, OPS has used this approach to address damage prevention education. The peer joint government/industry Damage Prevention Quality Action Team (DAMQAT), was established in October 1996. DAMQAT's mission is to increase awareness of the need to protect underground facilities, including pipelines, and to promote safe digging practices.

DAMQAT is composed of representatives from federal and state government agencies, gas and hazardous liquid pipeline trade associations, a contractor, a one-call systems association, and the insurance and telecommunications industries. The team launched a nationwide damage prevention public education campaign in May, 1998, that is currently being pilot tested in three states. The campaign instructs professional excavators and the public on underground damage prevention, including use of one-call systems, and effective ways to locate underground facilities at excavation sites. The goals are to emphasize damage prevention measures beyond one-call and enhance communication among all parties at an excavation site. The team will evaluate the pilot findings to adapt the materials before launching the nationwide campaign.

The team described in this notice will work in parallel with the DAMQAT, but will focus on the range of damage prevention issues beyond education. The new team will be drawn from the key players in damage prevention, with experience in best practices for operating one call systems and centers, and developing and using new technologies for communications, locating and marking underground facilities, and monitoring excavation activities.

Scope of the New Study

Numerous factors affect the effectiveness and efficiency of one call system operations. Improving system efficiency is expected to reduce the risk of damage to underground facilities in numerous ways by increasing the number of excavators who call, by improving the accuracy of the marking and locating process, and improving communications between the operator and the excavator. Area for improvements that will be considered include, but are not limited to:

(1) Encouraging participation by all parties concerned with underground facility damage prevention;

(2) Promoting awareness;

(3) Receiving and distributing information;

(4) Verifying system effectiveness;

(5) Mapping and locating underground facilities;

(6) Preventing damage through notification;

(7) Rapid response to emergency situations;

(8) Marking accuracy and timeliness;

(9) Risk to personnel;

(10) Other characteristics relative to effective damage prevention notification; and

(11) Encouraging compliance through effective enforcement.

Composition of the New Quality Action Team

OPS seeks to identify organizations who are interested in contributing to the study as a working member of this joint government/industry team. OPS plans to establish a core team of 12–15 representatives of diverse organizations concerned with damage prevention systems. Subteams will be formed to devote attention to in-depth assessment of particular subject areas.

In conducting the study, it is important to include the broadest possible representation of parties who are concerned about damage prevention to comprehensively investigate all aspects of the notification, locating, marking and excavation process. Among the organizations who have expressed interest in participating in the study process are:

- Association of Oil Pipelines;
- American Gas Association;
- American Petroleum Institute;
- Interstate Natural Gas Association of America;
- American Public Gas Association;
- American Road and Transportation Builders Association;
- Associated General Contractors;
- National Utility Contractors Association;
- Competitive Telecommunications Association;
- Edison Electric Institute;
- Gas Processors Association;
- American Public Works Association;
- One Call Systems International;
- National Cable Television Association;
- United States Telephone Association;
- UTC, the Telecommunications Association;
- National Association of Regulatory Utility Commissioners;
- National Association of Pipeline Safety Representatives; and
- Office of Pipeline Safety.

OPS wishes to identify other organizations who wish to contribute as well as any members of the public who want to be considered and are willing to work on the study team. Specifically, OPS would like to hear from:

- other Federal government agencies (i.e. Federal Communications Commission;
- State government agencies, such as State DOTs, planning organizations, etc;
- underground public utility organizations (water, sewer, electric, fiber optics, etc.;
- representatives from the railroad industry;
- representatives from the insurance industry
- agencies and organizations representing environmental interests;
- other organizations representing excavators;
- organizations representating other transportation interests; and
- representatives from the public.

In order for OPS to effectively identify, consider and assemble all parties interested in participating on the team, it is important that actual representatives of the constituencies attend the public meeting to express their interest and qualifications.

Criteria for Study Participants

1. To assure the broadest possible data, OPS seeks participation from individuals who represent organizations with defined missions and objectives related to preventing damage to underground utilities. Their organizations should have the means and ability to communicate to their membership throughout the study process.

2. To provide for timely and efficient assessment of one-call system methods, individuals interested in contributing should have existing knowledge of the factors, factual data, history and aspects affecting one-call system performance either nationally, regionally or locally, and/or in-depth understanding of a particular method or process for improving the performance of the 11 factors listed above.

3. To conduct the review of methods and complete and produce a final report, individuals interested in contributing should have abilities to work both individually and in a group environment.

4. To benefit from public perspective on one-call services, OPS would like for members of the public to participate in the public meeting, and serve on the team. These individuals should be capable of assessing the issues of one-call systems and damage prevention techniques, and ideally would be affiliated in some capacity with an organization(s) affected by, or concerned with, damage prevention programs.

Information Sharing

OPS would like interested parties to propose topics that they feel the team should address, including best practices of one-call systems, locating and marking techniques, data collection, and other technological advances that the team should assess and evaluate during the course of the study.

OPS plans to promote information exchange between the team and interested public parties, and to provide current information regarding the study group proceedings. We will communicate about issues the team is considering and the study progress by numerous means including electronic and newsletter/print media. Details regarding communication will be provided at the public meeting.

Schedule for Implementation

Following the meeting, OPS and organizations who have expressed an interest in participating will synthesize the information presented at the meeting and select a group of representatives to serve on the core team and the subteams. OPS believes the team will meet about every four to six weeks once the group has been established for up to a year in duration. Contract support will also be addressed at the post-meeting gathering, including discussion of appropriate parties to assist the team with facilitation, recording meeting notes, providing technical assistance, and report writing.

The planning organizations will also discuss how the team will produce the final report that identifies those practices of one-call systems that are the most successful in preventing damage to underground facilities, and that provide effective and efficient service to excavators and underground facility operators.

Meeting Agenda

For planning purposes, RSPA requests that parties interested in joining the team, or commenting on the team's focus, should be prepared to:

- make a presentation at the meeting about their qualifications, or necessary qualifications for one to serve on the team or subteam to represent an organization;
- or express their views and recommendations on issues or practices that should be considered.

Interested persons should notify Eben Wyman on (202) 366–0918 by August 17, 1998, with name, organization or interest, and type of presentation so that an agenda can be planned and all parties can be accommodated. In the event parties cannot attend, they can send a presentation in writing to OPS and we will present a summary during the meeting.

RSPA anticipates attendance and participation by government, the public, and a broad range of interested parties in the excavation and public utility communities, and representatives of other underground facility organizations.

Issued in Washington, DC on July 16, 1998.

Stacey L. Gerard,

Acting Associate Administrator for Pipeline Safety.

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