

the MY 2000 R models, with one injury allegation and one crash allegation.

To address consumer complaints about this condition, Suzuki redesigned the second driven gear for the R model. In November 2000, a newly-developed second driven gear was introduced as a running change to the MY 2001 R model and released as the recommended service part for all subject motorcycles. A technical training video was released to Suzuki dealers to help their mechanics diagnose the symptoms before disassembling the transmission. A copy of this tape was supplied with Suzuki's reply to ODI's information request.

Suzuki's Quality Assurance group examined several warranty return parts for mechanical integrity, noting that several displayed signs of abuse consistent with "incomplete or abusive shifting practices." Suzuki alleged that these practices will produce high impact shock loads between the gears' engagement surfaces, leading to localized deformation. Eventually, the deformation helps to create a force between the two gears, in this case second and sixth, pushing them apart. If the magnitude of the separating force between the gears exceeds the force generated by the shifting mechanism to hold them together, the two momentarily disconnect, and then are forced back together by the shifting mechanism. This momentary disconnect-reconnect as the motorcycle is accelerated gives the operator a slipping or popping sensation as the transmission delivers torque to the rear wheel. Under rapid acceleration, the operator can experience a quick, hesitation-like feeling when second gear momentarily disengages, accompanied by a change in the pitch of the sound generated by the engine. Left unattended, the slippage can increase in frequency and duration.

To reproduce and demonstrate the failure consequences to ODI, Suzuki prepared one subject motorcycle with parts intended to represent worst-case conditions on the engagement surfaces of the second gear. Additional instrumentation was installed on the shifting mechanism to record the resultant forces and the momentary disconnect of the second gear. Normal operation of the motorcycle, accelerating through a series of turns and straight roadways, was digitally taped (video) to allow analysis of the condition and its consequences, both from an observer's perspective and that of the operator. Review of the video clips did not identify an increased risk to safety or a loss of vehicle control.

Based on this analysis, 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, your petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

Issued on: February 26, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 03-5137 Filed 3-4-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 400X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Franklin and Webster Counties, NE

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon a 19.8-mile line of railroad between milepost 216.95 near Franklin, NE, and milepost 197.15 near Red Cloud, NE, in Franklin and Webster Counties, NE. The line traverses United States Postal Service Zip Codes 68972, 68939, 68952 and 68970.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 4, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 14, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 25, 2004, with: Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606-6677.

If the verified notice contains false or misleading information, the exemption is void ab initio.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. SEA will issue an environmental assessment (EA) by March 10, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339]. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

consummation by March 5, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: February 26, 2003.

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

Vernon A. Williams,

Secretary.

[FR Doc. 03-5002 Filed 3-4-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 03-10]

Recordation of Trade Name: "Revolutionary Products, Inc."

AGENCY: Customs Service, Treasury.

ACTION: Notice of final action.

SUMMARY: This document provides notice that "Revolutionary Products, Inc." is recorded by Customs as the trade name for Revolutionary Products, Inc., a California corporation organized under the laws of the State of California, located at 12910 Culver Boulevard, Suite G, Los Angeles, California 90066. This application for trade name recordation was properly submitted to Customs and published in the **Federal Register**. As no public comments in opposition to the recordation of this trade name were received by Customs within the 60-day comment period, the trade name is duly recorded with Customs and will remain in force as long as this trade name is used by this corporation, unless other action is required.

EFFECTIVE DATE: February 25, 2003.

FOR FURTHER INFORMATION CONTACT: Gwendolyn Savoy, Intellectual Property Rights Branch, Office of Regulations & Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., (Mint Annex) Washington, DC 20229; (202) 572-8710.

SUPPLEMENTARY INFORMATION:

Background

Trade names adopted by business entities may be recorded with Customs to afford the particular business entity with increased commercial protection. Customs procedure for recording trade names is provided at § 133.12 of the Customs Regulations (19 CFR 133.12) pursuant to section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124).

Pursuant to this regulatory provision, Revolutionary Products, Inc., a California corporation organized under the laws of the State of California, located at 12910 Culver Boulevard, Suite G, Los Angeles, California 90066, applied to Customs for protection of its trade name "Revolutionary Products, Inc."

On Wednesday, December 18, 2002, a notice of application for the recordation of the trade name "Revolutionary Products, Inc." was published in the **Federal Register** (67 FR 247). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name and received not later than February 24, 2003. The comment period closed February 24, 2003. No comments were received during the comment period. Accordingly, as provided by § 133.12 of the Customs Regulations, "Revolutionary Products, Inc." is recorded with Customs as the trade name of Revolutionary Products, Inc., and will remain in force as long as this trade name is used by this corporation, unless other action is required.

The application states applicant manufactures, advertises, distributes and sells an electrically driven rotating mechanical hairbrush in packaging and boxes labeled with the Revo Styler trademark and Revolutionary Products, Inc. trade name. Additionally, the trade name appears on a label affixed to the handle of the Revo Styler hairbrush, and is molded into the plastic of the electrical power plug.

The merchandise is manufactured in China and Hong Kong.

Dated: February 27, 2003.

George Frederick McCray,
Chief, Intellectual Property Rights Branch.

[FR Doc. 03-5118 Filed 3-4-03; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL-485-89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent

burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL-485-89 (TD 8400), Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions) (Sections 1.988-0 through 1.988-5).

DATES: Written comments should be received on or before May 5, 2003 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622-6665, or through the internet (Allan.M.Hopkins@irs.gov), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions).

OMB Number: 1545-1131.

Regulation Project Number: INTL-485-89.

Abstract: Internal Revenue Code sections 988(c)(1)(D) and (E) allow taxpayers to make elections concerning the taxation of exchange gain or loss on certain foreign currency denominated transactions. In addition, Code sections 988(a)(1)(B) and 988(d) require taxpayers to identify transactions which generate capital gain or loss or which are hedges of other transactions. This regulation provides guidance on making the elections and complying with the identification rules.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 40 minutes.

Estimated Total Annual Burden Hours: 3,333.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to