

before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: Final rule, response to petitions for reconsideration; Phase-in reporting requirements.

OMB Control Number: None.

Affected Public: Manufacturers of passenger cars, and trucks and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 3,855 kilograms (8,500 pounds) or less, and of buses with a GVWR of 4,536 kilograms (10,000 pounds) or less.

Form Number: None.

Number of Respondents: From existing phase-in reporting requirements (Part 596) for this standard, we expect about 20 respondents.

Estimated Annual Burden: Since almost all of the information required is already recorded by the manufacturers as part of their production control and tracking systems, a nominal assessment of 60 total burden hours per respondent is estimated for data retrieval and report preparation. The estimated cost per hour in dollars is \$35. Based on this estimate, the total annual burden for manufacturers would be: (20 respondents) × (60 total burden hours per respondent) × (\$35 per hour) = \$42,000.

Abstract: NHTSA issued a final rule establishing FMVSS No. 225, "Child restraint anchorage systems," in March 1999 (64 FR 10786). A final rule, response to petitions for reconsideration is prepared to respond to remaining outstanding issues raised by petitions for reconsideration of the agency's March 1999 final rule, and of the agency's previous responses to petitions, published in August 1999 (64 FR 47566) and July 2000 (65 FR 46628). The final rule is published in today's edition of the **Federal Register** (RIN 2127-AH99, Docket Number NHTSA-03-15438).

The final rule resolves the issue of the appropriateness of the 15,000 N strength requirement for tether and lower anchorages (S6.3 and S8.1 of FMVSS No. 225) and the 11,000 N strength requirement for the lower anchorages only (S9.4.1(a)). Those strength requirements are, for the most part, unchanged from the March 1999 final rule. However, this final rule makes several important amendments to requirements of the standard relating to how the 15,000 and 11,000 N loads are applied and how the agency determines compliance with the requirements. Examples of these are the change from the 125 mm displacement criterion for the tether anchorage to one that determines whether the anchorage withstood the force by assessing the deformation of the structure; and the change in the load application rate for the 11,000 N load for the lower anchorages from 10 seconds to 1 second. The agency has determined that these changes may necessitate the reassessment by manufacturers of some vehicle models as to whether the vehicles comply with the amended standard. Further, some manufacturers may need more time than the period from now until August 31, 2004 to make whatever changes are needed to the structure of the vehicles to meet the new requirements. Because of this, this final rule gives vehicle manufacturers an additional year, for a few model lines, to assess whether their vehicles meet this rule's amended strength requirements and to make necessary changes to meet the requirements. Ninety (90) percent of the vehicles they manufacture on or after September 1, 2004 and before September 1, 2005 must be certified as meeting the amended strength requirements. One hundred (100) percent of the vehicles manufactured on or after September 1, 2005 must be certified as meeting the requirements. Thus, a new phase-in schedule is being established to make it easier for manufacturers to comply with

the permanent requirements. The collection of information is used for recordkeeping to keep track of covered vehicles, and for reporting to the agency the covered vehicles that comply with the requirements.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: June 19, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03-15954 Filed 6-26-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34358]

New York and Eastern Railway LLC—Lease, Operation, and Future Purchase Exemption—New York Central Lines, LLC and CSX Transportation, Inc.

New York and Eastern Railway LLC (NY&E), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to lease and operate, pursuant to an agreement¹ entered into with New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT), approximately 4.7 miles of rail line and associated property presently owned by NYC and operated by CSXT extending from milepost QCO 0.0 (approximately Valuation Station 60+80), to milepost QCO 3.2 (approximately Valuation Station 113+10) and from milepost QCK 29.5 (approximately Valuation Station 2331+25) to milepost QCK 31.0 (approximately Valuation Station 2266+00), a total of approximately 44.91 acres, in the Town and City of Poughkeepsie, Dutchess County, NY. In addition, the agreement gives NY&E an option to purchase the rail property which NY&E anticipates exercising within several months after instituting operations under the lease.

NY&E certifies that its projected annual revenues will not exceed those that would qualify it as a Class III rail

¹ NY&E states that the agreement is to become effective on July 15, 2003.

carrier and that its annual revenues are not projected to exceed \$5 million.

The parties propose to consummate the transaction on or about July 15, 2003.

This transaction is related to STB Finance Docket No. 34357, *Eyal Shapira—Continuance in Control Exemption—New York and Eastern Railway LLC and Raritan Central Railway, L.C.C.*, wherein Eyal Shapira has concurrently filed a verified notice to continue in control of NY&E, upon NY&E becoming a Class III rail carrier.

If the verified 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. 34358, 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 John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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

Decided: June 23, 2003.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-16304 Filed 6-26-03; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34357]

Eyal Shapira—Continuance in Control Exemption—New York and Eastern Railway LLC and Raritan Central Railway L.L.C.

Eyal Shapira (Shapira), an individual, has filed a verified notice of exemption to continue in control of New York and Eastern Railway LLC (NY&E), upon NY&E becoming a Class III rail carrier.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34358, *New York and Eastern Railway LLC—Lease, Operation, and Future Purchase Exemption—New York Central Lines, LLC and CSX Transportation, Inc.*, wherein NY&E seeks to lease and operate (with an option to purchase) approximately 4.7 miles of rail line and associated property presently owned by

New York Central Lines, LLC and operated by CSX Transportation, Inc, in the Town and City of Poughkeepsie, Dutchess County, NY.

Shapira owns a majority interest and controls one existing Class III rail carrier: Raritan Central Railway, L.L.C., that operates in the Townships of Edison and Woodbridge, in Middlesex County, NJ.

Shapira states that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified 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. 34357, 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 John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

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Decided: June 23, 2003.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket Nos. AB-55 (Sub-No. 635X) and AB-364 (Sub-No. 9X)]

CSX Transportation, Inc.—Abandonment Exemption—in Gratiot County, MI; Mid-Michigan Railroad, Inc.—Discontinuance of Service Exemption—in Gratiot County, MI

CSX Transportation, Inc. (CSXT) and Mid-Michigan Railroad, Inc. (MMR) have filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service* for CSXT to abandon and MMR to discontinue service over approximately 5.5 miles of railroad from milepost CBE-40.00 at Alma, to milepost CBE-45.5 at Elwell, in Gratiot County, MI. The line traverses United States Postal Service Zip Codes 48801 and 48832.

CSXT and MMR have 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 or discontinuance 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, these exemptions will be effective on July 29, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to

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