**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.*

[FR Doc. 96–27748 Filed 10–28–96; 8:45 am]

**BILLING CODE 4910–22–P**

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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

the seat pad of the Grand Explorer, which is not required to comply with this standard, be of a less dense material. The dimensions of the seat pad foam are very close to the dimensions of the barrier pad foam.

On June 6, 1996, Cosco Product Development employees, while evaluating the barrier pad on a production unit of the Grand Explorer, discovered that the foam 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 that paragraph. All shipments of the Grand Explorer were immediately suspended and all production red-tagged to identify potentially noncomplying units. On June 7, 1996, it was confirmed that some barrier pads for two SKU's of the Grand Explorer that were supplied by one vendor did not comply with this section of FMVSS 213 and that some of the Grand Explorers had been shipped to certain retailers.

Cosco promptly notified all retailers which had received the potentially noncomplying product and arrangements were made for their return. All returned units were inspected and noncomplying units were counted and segregated for rework. All affected units in Cosco's inventory were red-tagged, and inspected and those units with the noncomplying pads were reworked. All barrier pads in inventory were red-tagged, inspected and reworked as necessary. The return and rework program was completed on July 27, 1996. On July 31, 1996, Cosco submitted its final Defect Information Report relative to this matter which identified two SKU's of the Grand Explorer which were involved.

Cosco supported its application for inconsequentiality of the noncompliance with the following:

''1. Dynamic test results measuring Head Injury Criteria (HIC) are equal for Grand Explorer units tested with noncomplying and complying barrier foam.

''2. The total of 4,293 noncomplying Grand Explorer booster seats in the hands of consumers are insignificant when compared to the total number of all models of Explorers sold since 1990. A notification and remedy program involving such a proportionately small number of units will cast doubt on the performance and effectiveness of millions of proven child restraints that have been used successfully for many years, potentially resulting in significant nonuse of an effective child restraint.''

A detailed discussion of Cosco's arguments in support of this petition follows:

''In testing initial production units of the Grand Explorer with the three year old dummy in the shield configuration with barrier pad foam in compliance with S5.2.3.2 (b), Cosco obtained acceptable HIC results.

''When evaluating the effect of the subject noncompliance on motor vehicle safety, engineers at Cosco were interested in determining what difference, if any, in HIC results would be obtained with the noncomplying foam in the barrier pad. A series of sled tests were performed at Calspan on August 16, 1996, as requested by Cosco.

''Four sled tests were performed. For test 11675, two units were run during the same test, one unit with a complying barrier foam pad and one unit with a noncomplying barrier foam pad. For test 11676, two units, one complying and one noncomplying were again run, with the location of the units switched to compare any difference with the location of the child restraint on the seat bench. Tests 11677 and 11678 were each run with one unit with a noncomplying barrier pad in the center of the test bench. The test results are summarized on the following page:

AUGUST 9, 1996, TEST PLAN—CALSPAN TEST

| | Test No. | Test dummy (years) | Test description | Velocity | Pulse | HIC | CR |
|---|---|---|---|---|---|---|---|
| 1167–5 | 1N | 3 ..... | With Shield, Lap Belt Only 1.8 Density Foam Padding ..... | 28.2 | Std. 213 ..... | 673 | 39.7 |
| 1167–5 | 1S | 3 ..... | With Shield, Lap Belt Only 1.2 Density Foam Padding ..... | 28.2 | Std. 213 ..... | 569 | 35.8 |
| 1167–6 | 2N | 3 ..... | With Shield, Lap Belt Only 1.2 Density Foam Padding ..... | 28.4 | Std. 213 ..... | 717 | 42.7 |
| 1167–6 | 2S | 3 ..... | With Shield, Lap Belt Only 1.8 Density Foam Padding ..... | 28.4 | Std. 213 ..... | 549 | 38.8 |
| 1167–7 | 3 | 3 ..... | With Shield, Lap Belt Only 1.2 Density Foam Padding ..... | 28.3 | Std. 213 ..... | 856 | 42.5 |
| 1167–8 | 4 | 3 ..... | With Shield, Lap Belt Only 1.2 Density Foam Padding ..... | 28.4 | Std. 213 ..... | 828 | 43.1 |

''When evaluating the results of tests 11675 and 11676, there is no statistical difference between the complying versus noncomplying units when run on the same position on the test bench in the two tests. The complying unit in the southern position had a HIC result of 549, while the noncomplying unit in the same position had a HIC result of 569. The noncomplying unit in the north position had a HIC result of 717 while the complying unit in the same position had a HIC result of 673.

''In tests 11677 and 11678, the HIC results of 856 and 828, respectively, are consistent with and not statistically different than the HIC results of Calspan tests 11276 and 11277, which were 836 and 856, respectively. These tests conclusively establish that the difference between the noncomplying and complying foam in the barrier pads of the Grand Explorer has no statistically significant effect on the key dynamic measurement of head injury potential for child restraints, and is thus inconsequential as it relates to motor vehicle safety.

''The number of units of the noncomplying grand explorer sold to consumers is insignificant when all circumstances are considered. Since 1990, Cosco has sold 3,051,003 units of the original Explorer. Since beginning production in January 1996, Cosco has shipped 144,453 units of the Grand Explorer. The maximum number of Grand Explorers with the noncomplying barrier pad foam that could have been sold to consumers is 4,293 units.''

In conclusion, Cosco submits that a reasonable evaluation of all of the facts surrounding this noncompliance results in the conclusion that no practical safety issue exists and that the limited number of noncomplying child restraints in the hands of consumers poses absolutely no safety risks to the public. The fact that no actual safety risks to the public exists as a result of this technical noncompliance establishes conclusively this noncompliance is inconsequential.

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: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington, D.C., 20590. It is requested

but not required that six 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: November 29, 1996.

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

Issued on: October 23, 1996.

L. Robert Shelton,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 96–27679 Filed 10–28–96; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF THE TREASURY

### Departmental Offices; Proposed Collections; Comment Requests

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on two information collections that are due for renewed approval by the Office of Management and Budget. The Office of International Financial Analysis within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BL–2/BL–2(SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Payable in Dollars; and Treasury International Capital Form BQ–2, Part 1: Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Banks, Broker or Dealer, Currencies.

**DATES:** Written comments should be received on or before December 30, 1996 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Gary A. Lee, Manager, Treasury International Capital Reporting System, Department of the Treasury, Room 5464, 1500 Pennsylvania Avenue NW, Washington DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the forms and instructions should be directed to Gary A. Lee, Manager, Treasury International Capital Reporting System, Department of the Treasury, Room 5464, 1500 Pennsylvania Avenue NW, Washington DC 20220, (202) 622–2270.

**SUPPLEMENTARY INFORMATION:**

*Titles:* Treasury International Capital Form BL–2/BL–2 (SA), Custody Liabilities of Reporting Banks, Brokers and Dealers to Foreigners, Payable in Dollars; and Treasury International Capital Form BQ–2, Part 1: Liabilities to, and Claims on, Foreigners of Reporting Bank, Broker or Dealer, and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Foreign Currencies.

*OMB Numbers:* 1505–0018 and 1505–0020.

*Abstracts:* Forms BL–2/BL–2(SA) and BQ–2 are required by law (22 U.S.C. 286f; 22 U.S.C. 3103; EO 10033; 31 CFR 128) and are designed to collect timely information on international portfolio capital movements. Form BL–2 is a monthly report (with a semiannual supplement) that covers the U.S. dollar custody liabilities of banks, other depository institutions, brokers and dealers, *vis-à-vis* foreign residents. Form BQ–2 is a quarterly report that covers the liabilities to and claims on foreigners of banks, brokers and dealers, and the custody claims on foreigners of banks, brokers and dealers, that are payable in foreign currencies. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for use in formulating U.S. international financial and monetary policies.

*Current Actions:* No changes to reporting requirements for either form are proposed at this time.

*Type of Review:* Extensions.

*Affected Public:* Business or other for-profit.

Form BL–2/BL–2(SA) (1505–0018)

*Estimated Number of Respondents:* 150.

*Estimated Average Time per Respondent:* Five (5) hours per respondent per filing.

*Estimated Total Annual Burden Hours:* 9,000 hours, based on twelve reporting periods per year.

Form BQ–2 (1505–0020)

*Estimated Number of Respondents:* 290.

*Estimated Average Time per Respondent:* Four (4) hours per respondent per filing.

*Estimated Total Annual Burden Hours:* 4,640 hours, based on four reporting periods per year.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Forms BL–2/BL–2(SA) and BQ–2 are necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dated: October 23, 1996.

Thomas Ashby McCown,

*Director, Officer of International Financial Analysis.*

[FR Doc. 96–27643 Filed 10–28–96; 8:45 am]

BILLING CODE 4810–25–M

## DEPARTMENT OF TREASURY

### Customs Service

### Performance Review Board—Appointment of Members

**AGENCY:** U.S. Customs Service, Department of Treasury.

**ACTION:** General notice.

**SUMMARY:** This Notice announces the appointment of the members of the United States Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executives' performance appraisals and make recommendations regarding performance appraisals and performance awards.

**EFFECTIVE DATE:** October 20, 1996.

**FOR FURTHER INFORMATION, CONTACT:** Bob Smith, Director, Office of Personnel, Office of Human Resources Management, United States Customs Service, Post Office Box 66008, Washington, DC 20035; telephone (202) 634–5270.

Background

There are two (2) PRB's in the U.S. Customs Service.

*Performance Review Board 1*

The purpose of this Board is to review the performance appraisals of senior