

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****[STB Ex Parte No. 290 (Sub-No. 5) (2010–3)]****Quarterly Rail Cost Adjustment Factor****AGENCY:** Surface Transportation Board.**ACTION:** Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 2010 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2010 RCAF (Unadjusted) is 1.068. The third quarter 2010 RCAF (Adjusted) is 0.479. The third quarter 2010 RCAF–5 is 0.454.

DATES: *Effective Date:* July 1, 2010.**FOR FURTHER INFORMATION CONTACT:**

Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site, <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0235. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: June 17, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

Jeffrey Herzig,
Clearance Clerk.

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implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, 5 U.S.C. 4314(c) requires each agency to establish one or more PRBs, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on STB's PRB:

Leland L. Gardner, Director, Office of Economics, Environmental Analysis and Administration;
Matthew T. Wallen, Director, Office of Public Assistance, Governmental Affairs, and Enforcement;
Rachel D. Campbell, Director, Office of Proceedings;
Ellen D. Hanson, General Counsel.

Dated: June 1, 2010.

Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****[Docket No. NHTSA–2010–0064; Notice 1]****Bentley Motors Inc., Receipt of Petition for Decision of Inconsequential Noncompliance**

Bentley Motors Inc. (BMI),¹ has determined that unknown number of replacement seat belts that it imported do not include the installation and usage instructions required by paragraphs S4.1(k) and S4.1(l) of Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies*. BMI filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Responsibility and Reports" on December 18, 2009.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (*see* implementing rule at 49 CFR part 556), BMI has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of BMI's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of

judgment concerning the merits of the petition.

BMI explained that approximately 300 nonconforming seat belt assemblies, produced during the 12 months prior to December 18, 2009, and an additional unknown number produced prior to that by its manufacturer, Bentley Motors, Ltd, which is based in the United Kingdom, were imported by BMI and sold to its authorized dealers in the United States for replacement purposes.

Paragraphs S4.1(k) and S4.1(l) of FMVSS No. 209 requires:

(k) *Installation instructions.* A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items specified in SAE Recommended Practice J800c, "Motor Vehicle Seat Belt Installations," November 1973. If the assembly is for use only in specifically stated motor vehicles, the assembly shall either be permanently and legibly marked or labeled with the following statement, or the instruction sheet shall include the following statement:

This seat belt assembly is for use only in [insert specific seating position(s), e.g., "front right"] in [insert specific vehicle make(s) and model(s)].

(l) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance [o]f the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

BMI described the noncompliance as the failure to provide both installation and use instructions with the seat belt assemblies as required in FMVSS No. 209 S4.1(k) and S4.1(l).

BMI noted that the noncompliant seat belts can be identified by part number for specific vehicle applications and are labeled by model number, name of manufacturer, and date of production in accordance with paragraph S4.1(j) of FMVSS No. 209.

BMI provided the basis of why they believe this noncompliance is

¹ Bentley Motors Inc. is a Delaware Corporation that imports motor vehicles and replacement equipment.

DEPARTMENT OF TRANSPORTATION**Surface Transportation Board****Senior Executive Service Performance Review Board****AGENCY:** Surface Transportation Board.**ACTION:** Notice.

SUMMARY: The Surface Transportation Board (STB) publishes the names of the Persons selected to serve on its Senior Executive Service Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Paula Chandler, Director of Human Resources, (202) 245–0340.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 4314 requires that each agency