

Systems became effective, requiring these trailers to be equipped with an anti-lock brake system. According to the company, there is no after market kit available to convert the air-over-hydraulic brake system to meet the new requirements of S5.1.3.

**Why Compliance Would Cause Dailey Substantial Economic Hardship**

Since there is no after market kit available to convert the trailers to a conforming brake system, Dailey would be unable to sell them absent an exemption. It has \$250,000 of its operating capital tied up in the trailers, and would have to absorb the loss. This figure is almost equal to its combined net income for the years 1996 and 1997, \$252,519.

**How Dailey Tried in Good Faith to Comply With Standard No. 121**

Dailey's total trailer production in the 12-month period preceding the filing of its application was 43. It was also the final-stage manufacturer and certifier of 938 "chassis with bodies." Other than the five trailers for which it requests exemption, its trailers manufactured since March 1, 1998, comply with Standard No. 121.

**Why an Exemption for Dailey Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety**

Dailey believes that it would be in the public interest "to keep) from imposing a hardship, that could adversely affect employment, on a company that has been successfully building truck body equipment for over 50 years." Because only five trailers will be exempted, the risk to the public will be small. The trailers were manufactured to conform with regulations that existed at the time production was scheduled.

**How To Comment on Dailey's Application**

We invite written comments on Dailey's application. Please send them in two copies, referring to the docket and notice numbers. Docket Management, National Highway Traffic Safety Administration, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590. We shall consider all comments received before the close of business on the comment closing date below. Comments will be available for examination in the docket at the above address both before and after that date, between the hours of 9 a.m. and 5 p.m. To the extent possible we will also consider comments filed after the closing date. When the Administrator

has made a decision, we shall publish it in the **Federal Register**. Comment closing date: April 21, 1999.

**Authority:** 49 U.S.C. 30111; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: March 16, 1999

**L. Robert Shelton,**  
*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99-6845 Filed 3-19-99; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-99-4966; Notice 2]

**TarasPort Trailers, Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224**

We are granting the application by TarasPort Trailers, Inc., of Sweetwater, Tennessee, for a temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*, as provided by 49 CFR part 555, finding that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." Sec. 555.6(a).

On January 13, 1999, we published a notice inviting comment on TarasPort's application (64 FR 2273). The salient points of the application are set out below.

**Why TarasPort Needs a Temporary Exemption**

Located in the Sweetwater Industrial Park in Monroe County, Tennessee, TarasPort has manufactured trailers since April 1988. Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. TarasPort manufactured a total of 237 trailers in 1997, including "two models of drop decks equipped with rear deck extenders." The extenders deploy in 1-foot increments, up to 3 feet, from the rear of the trailer. S5.1.3 of Standard No. 224 requires that the horizontal member of the rear impact guard must be as close as practicable to the rear extremity of the vehicle, but in no case farther than 305 mm. from it. TarasPort had asked NHTSA to exclude its two trailer models as "special purpose vehicles," but we denied its request. We also determined that the trailers' rear extremity, with the extenders deployed "would be the rearmost surface on the extenders themselves." In order to meet

S5.1.3, TarasPort must redesign these models so that the rear face of the horizontal member of the guard will never be more than 305 mm forward of the rearmost surface on the extenders, when the extenders are in any position in which they can be placed when in transit. It has asked for a 2-year exemption in order to do so.

**Why Compliance Would Cause TarasPort Substantial Economic Hardship**

TarasPort employs 16 people, including its two working owners. An increasing amount of its sales is comprised of the two extended-deck trailers, from 55% in 1997 to 63% in the first two quarters of 1998. Using its existing staff, the company estimates that it needs 18 to 24 months of design and testing to bring the trailers into compliance with S5.1.3, and that the modifications required will cost \$1800 to \$2000 per trailer.

If the application is denied, TarasPort would have to discontinue production for 18 to 24 months, or hire an engineering consulting firm to possibly reduce that time, at a fee of \$80 to \$120 an hour. It would be forced to lay off a majority of its employees, and it would lose the market and established customer base that it has achieved as a niche producer over the 10 years of its existence.

According to its financial statements, TarasPort has had a small net income in each of its past three fiscal years, though the income each year has been substantially less than the year before. The net income for 1997 was \$87,030.

**How TarasPort Has Tried To Comply With the Standard in Good Faith**

Most of TarasPort's trailers have low deck heights and rear ramp compartments "which only compound rear impact compliance problems." Nevertheless, the company was able to bring its designs into compliance by Standard No. 224's effective date, with the exception of the two extender designs. These trailers comply when the extenders are not in use. The company tested mounting the guard directly on the extenders "so it would move out and thus comply," but found that this method of mounting "would not absorb the level of energy" required by Standard No. 223. TarasPort hoped that we would consider the extenders to be load overhang or exempt as a special purpose vehicle, but we denied this request on May 22, 1998.

### Why Exempting TarasPort Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

A denial would adversely affect the company's employees, customers, and the local economy in Monroe County. TarasPort argued that the motor vehicle safety standards

were created with the general public's well being in mind. Assisting our company to comply to those standards only insures public safety. Compliance rather than enforcement is consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

### Comments Filed in Response to the Application Notice

No comments were filed in response to the notice published on January 13, 1999.

### Discussion of TarasPort's Application

When TarasPort learned in May 1998 that its two trailer models would have to comply with Standard No. 224, it filed its application for exemption with us the following month. Because we needed to resolve TarasPort's requests for confidentiality, we were unable to move forward with its exemption request until January 1999. Accordingly, we must assume that the company has been experiencing the hardships foreseen in its application.

These hardships are loss of income from reduced production, and the possible layoff of some of its 16 employees as a result. The company's application indicated that it would find it more economical to engineer a solution in-house over an 18 to 24 month time period than to commit it to an engineering firm for a costly solution in something less than that time. The company's net income has been decreasing in each of its three past fiscal years, and presumptively did so in 1998 when it suspended production of its two models of drop deck trailers equipped with rear deck extenders. We believe that TarasPort has demonstrated that requiring immediate compliance would cause it substantial economic hardship.

We note that TarasPort, in spite of limited resources, was able to bring all its other trailers into conformity with Standard No. 224 by its effective date. We believe that the company has therefore made a good faith effort to comply with the standard.

TarasPort contributes to its local economy, even though it is a small business. It is in the public interest to encourage small businesses which add diversity to the marketplace. The temporary exemption of a small number of trailers from the underride standard

will not have a significant negative effect upon safety.

As of the end of June 1998, the company estimated that it would need 18 to 24 months to comply with the standard. This indicates that the company believes it can achieve compliance between January 1 and July 1, 2000. We are therefore giving it an exemption until July 1, 2000.

### The Administrator's Findings

On the basis of the arguments and discussions above, I find that providing TarasPort an exemption from Standard No. 224 is consistent with the public interest and the objectives of 49 U.S.C. Chapter 301-Motor Vehicle Safety, and that compliance with Standard No. 224 would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

### NHTSA Temporary Exemption No. 99-2

TarasPort Trailers, Inc., is hereby granted NHTSA Temporary Exemption No. 99-2, from 49 CFR 571.224 Standard No. 224 Rear Impact Protection, expiring July 1, 2000. This exemption is restricted to drop deck trailers equipped with rear deck extenders.

**Authority:** 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on: March 16, 1999.

**Ricardo Martinez,**  
**Administrator.**

[FR Doc. 99-6846 Filed 3-19-99; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Sunshine Act Meeting

Ex Parte No. 333-Meetings of the Board

**TIME & DATE:** 10:00 a.m., Thursday, March 25, 1999.

**PLACE:** Hearing Room, Surface Transportation Board 1925 K Street, NW, Washington, DC 20423.

**STATUS:** The Board will meet to discuss among themselves the agenda item listed below. Although the conference is open for public observation, no public participation is permitted.

**MATTERS TO BE DISCUSSED:** Finance Docket No. 33556, Canadian National Railway Company, Grand Trunk Corporation, and Grand Trunk Western Railroad Incorporated—control—Illinois Central Corporation, Illinois Central Railroad Company, Chicago, Central and Pacific Railroad Company,

and Cedar River Railroad and Finance Docket No. 33556 (Sub-10-b. 1), Canadian National Railway Company, Illinois Central Railroad Company, The Kansas City Southern Railway Company, and Gateway Western Railway Company—Terminal Trackage Rights—Union Pacific Railroad Company and Norfolk & Western Railway Company.

**CONTACT PERSON FOR MORE INFORMATION:** Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565-1594, TDD: (202) 565-1695.

Dated: March 18, 1999.

**Vernon A. Williams,**  
**Secretary.**

[FR Doc. 99-7 113 Filed 3-18-99; 3:15 pm]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 9, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220. **DATES:** Written comments should be received on or before April 1, 1999, to be assured of consideration.

### U.S. Customs Service (CUS)

**OMB Number:** 1515-0068

**Form Number:** Customs Form 28.

**Type of Review:** Extension

**Title:** Request for Information.

**Description:** Customs Form 28 is used by Customs personnel to request additional information from importers when the invoice or other documentation provide insufficient information for Customs to carry out its responsibilities to protect revenues.

**Respondents:** Business or other for-profit, Individuals or households. Not-for-profit institutions, Federal Government.

**Estimated Number of Respondents:** 60,000.

**Estimated Burden Hours Per**

**Respondent:** 33 minutes.

**Frequency of Response:** On occasion.

**Estimated Total Reporting Burden:** 30,000 hours.