

On December 23, 1996, the FHWA published a notice (61 FR 67590) requesting comments on issues related to a strategic reassessment of the Highway Performance Monitoring System (HPMS). The HPMS was developed in 1978 as a national highway transportation system data base. A major purpose of the HPMS has been to provide data that reflects the extent, condition, performance, use, and operating characteristics of the Nation's highways.

In 1988, the HPMS was enhanced with the addition of more detailed pavement data. In 1993, the HPMS was again revised to meet needs brought about by changes in the FHWA analysis and simulation models, including the shift to a geographic information system (GIS) environment; the effects of the 1990 Census; the Intermodal Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914; the Clean Air Act Amendments of 1990, Pub. L. 101-549, 104 Stat. 2399; and the Environmental Protection Agency (EPA) requirements concerning vehicle miles of travel (VMT) tracking data in air quality non-attainment areas.

The final report documents the results of FHWA's review of the HPMS. The purpose of this review was to assist FHWA in determining an appropriate future form and direction for this major FHWA data system as we move into the 21st Century. This report represents the culmination of several serial activities including:

- The identification and assessment of the impacts of the HPMS on FHWA, its State and other governmental partners, and the many and varied HPMS customers;
- The results of an extensive outreach program that included a national HPMS workshop held in June 1997; and
- The subsequent assimilation of inputs from these activities into a revised HPMS.

As a result of the reassessment, the FHWA will change the HPMS. Over 15 percent of the data items will be eliminated and another 15 percent will be changed to significantly reduce the number of detail lines. The HPMS sample size reductions are proposed and the summary of crash data by functional system is being eliminated. The FHWA will provide States with PC-based data submittal software and will develop Internet access to the HPMS data. Overall, the changes will reduce the burden for data providers while still meeting the stated HPMS goals and objectives, FHWA's future business needs, and our partners' and customers' information needs.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on February 24, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3355; Notice 3]

Red River Manufacturing, Inc.; Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

We are asking for comments on the application by Red River Manufacturing, Inc., of West Fargo, North Dakota, for a three-year renewal of NHTSA Temporary Exemption No. 98-3 from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. Red River has applied again on the basis that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 CFR 555.6(a).

We are publishing this notice of receipt of the application in accordance with our regulations on temporary exemptions. This action does not represent any judgment by us about the merits of the application. The discussion that follows is based on information contained in Red River's application.

Why Red River Needs To Renew Its Temporary Exemption

On April 1, 1998, we granted Red River a temporary exemption of one year from Standard No. 224. See 63 FR 15909 for our decision.

Among other kinds of trailers, Red River manufactures and sells two types of horizontal discharge trailers which discharge their contents into hoppers, rather than on the ground. This makes it impractical to comply with Standard No. 224 by using a fixed rear impact guard. One type of horizontal discharge trailer is used in the road construction industry to deliver asphalt and other road building materials to the construction site. The other type is used to haul feed, seed, and agricultural products such as sugar beets and potatoes, from the fields to hoppers for storage or processing. Both types are known by the name "Live Bottom."

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including Live Bottom trailers, be fitted with a rear

impact guard that conforms to Standard No. 223 *Rear impact guards*. Red River, which manufactured 225 Live Bottom trailers of all kinds in the 12 months preceding the filing of its application on December 22, 1998, has asked for a renewal of its exemption until April 1, 2002, in order to continue its efforts to develop a rear impact guard that conforms to Standard No. 223 and can be installed in compliance with Standard No. 224, while retaining the functionality and price-competitiveness of its trailers.

Why Compliance Would Cause Red River Substantial Economic Hardship

Live Bottoms accounted for almost half of Red River's production in 1997. In the absence of an exemption, Red River believes that approximately 60 percent of its work force would have to be laid off. Its projected loss of sales is \$8,000,000 to \$9,000,000 per year (net sales have averaged \$14,441,822 over its 1995, 1996, and 1997 fiscal years).

We require hardship applicants to estimate the cost required to comply with a standard, as soon as possible, and at the end of a one-, two-, or three-year exemption period. Red River estimates that even a three-year exemption will require a retail price increase that will result in a loss of 35 percent of Live Bottom sales. Further, "more than 50 percent of available engineering time would be required for compliance and related modifications in this time frame, resulting in a significant reduction in support for non-Live Bottom products, and a 5% decline in non-Live Bottom sales."

How Red River Has Tried to Comply With the Standard in Good Faith

In its initial application for a temporary exemption, Red River explained that, in mid 1996, its design staff began exploring options for compliance with Standard No. 224. Through a business partner in Denmark, the company reviewed the European rear impact protection systems. Because these designs must be manually operated by ground personnel, Red River decided that they would not be acceptable to its American customers. Later in 1996, Red River decided to investigate powered retractable rear impact guards. The initial design could not meet the energy absorption requirements of Standard No. 223. The company then investigated the use of pneumatic-over-mechanical retractable rear impact guards, and developed a prototype design which it began testing in the field in May 1998. This testing is disclosing a number of problems as yet unresolved. In the meantime, Red River

consulted three commercial suppliers of underride devices but none produces a guard that could be used on the Live Bottoms.

Red River intends to continue its compliance efforts while an exemption is in effect, and believes that three years will enable it to conclude definitively whether it is feasible to design and manufacture a compliant rear guard that meets the requirements of its customers, and, if it is not feasible, to petition the agency for rulemaking to exclude Live Bottoms from Standard No. 224.

Red River was able to conform its other trailers with Standard No. 224

Why Exempting Red River Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

In its initial application, Red River argued that an exemption would be in the public interest and consistent with traffic safety objectives because the Live Bottom "can be used safely where it would be hazardous or impractical to use end dump trailers, such as on uneven terrain or in places with low overhead clearances." These trailers are "valuable to the agricultural sector" because of the advantages they offer in the handling of relatively fragile cargo. An exemption "would have no adverse effect on the safety of the general public" because the Live Bottom spends very little of its operating life on the highway and the likelihood of its being involved in a rear-end collision is minimal. In addition, the design of the Live Bottom is such that the rear tires act as a buffer and reduce the likelihood of impact with the trailer.

Red River reiterates these arguments in its application for renewal of its temporary exemption. It adds that it knows of no rear end collisions involving horizontal discharge trailers that have resulted in injuries, nor any instances in which there has been an intrusion by a horizontal discharge trailer into the passenger compartment of a vehicle impacting the rear of such a trailer.

How To Comment on Red River's Application

If you would like to comment on Red River's application, send two copies of your comments, in writing, to: Docket Management, National Highway Traffic Safety Administration, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590, in care of the docket and notice number shown at the top of this document.

We shall consider all comments received before the close of business on the comment closing date stated below. To the extent possible, we shall also

consider comments filed after the closing date. You may examine the docket in Room PL-401, both before and after that date, between 10 a.m. and 5 p.m.

When we have reached a decision, we shall publish it in the **Federal Register**.

Comment closing date: April 5, 1999.

Authority: 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued: February 26, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-5511 Filed 3-4-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 23, 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, Pub. L. 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 5, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1570.

Regulation Project Number: REG-120168-97 NPRM and Temporary.

Type of Review: Extension.

Title: Preparer Due Diligence Requirements for Determining Earned Income Credit Eligibility.

Description: Income tax return preparers who satisfy the due diligence requirements in this regulation will avoid the imposition of the penalty under section 6695(g) of the Internal Revenue Code for returns or claims for refund due after December 31, 1997. The due diligence requirements include soliciting the information necessary to determine a taxpayer's eligibility for, and amount of, the Earned Income Tax Credit, and the retention of this information.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 100,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 5 hours, 4 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 507,136 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99-5446 Filed 3-4-99; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Prosthetics and Special-Disabilities Programs (Committee) will be held Monday and Tuesday, April 26-27, 1999, at VA Headquarters, Room 930, 810 Vermont Avenue, NW, Washington, DC. The April 26 session will convene at 8 a.m. and adjourn at 4 p.m. and the April 27 session will convene at 8 a.m. and adjourn at 12 noon. The purpose of the Committee is to advise the department on its prosthetic programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also advises the Department on special disability programs which are defined as any program administered by the Secretary to serve veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment, or other serious incapacities in terms of daily life functions.

On the morning of April 26, the Committee will receive a status report concerning the development of job performance standards for those individuals responsible for maintaining capacity in programs for specialized treatment and rehabilitative needs of disabled veterans. The Committee will also receive briefings by the National Program Directors of the Special-Disabilities Programs regarding the status of their activities over the last seven months. On the morning of April