

DEPARTMENT OF TRANSPORTATION**Maritime Administration****[Docket No. MARAD-2000-6856]****Information Collection Available for Public Comments and Recommendations****ACTION:** Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD) intentions to request approval for three years of an existing information collection entitled "Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Cargoes on U.S.-flag Commercial Vessels."

DATES: Comments should be submitted on or before April 10, 2000.

FOR FURTHER INFORMATION CONTACT:

Thomas Olsen, Office of Financial and Rate Approvals, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, telephone number—202-366-2313. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Determination of Fair and Reasonable Rates for the Carriage of Bulk and Packaged Cargoes on U.S.-flag Commercial Vessels.

Type of Request: Approval of an existing information collection.

OMB Control Number: 2133-0514.

Form Number: None.

Expiration Date of Approval: Three years from the date of approval.

Summary of Collection of Information: This collection of information requires U.S.-flag operators to submit vessel operating costs and capital costs data to MARAD officials on an annual basis. The costs are used by MARAD in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel operators are required to submit Post Voyage Reports to MARAD after completion of a cargo preference voyage.

Need and Use of the Information: The information collection is used by MARAD officials to calculate fair and reasonable rates for U.S.-flag vessels engaged in the carriage of preference cargoes.

Description of Respondents: U.S. citizens that own and/or operate U.S.-flag vessels.

Annual Responses: 160 responses.

Annual Burden: 640 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov.submit>. Specifically, address whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., et Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

By Order of the Maritime Administrator, P=02
Dated: February 2, 2000.

Joel C. Richard,
Secretary.

[FR Doc. 00-2749 Filed 2-7-00; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****[Docket No. NHTSA-99-6478; Notice 2]****Advanced Bus Industries, LLC; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 105**

For the reasons given below, we are granting the application by Advanced Bus Industries, LLC, of Columbus, Ohio, ("ABI") for a temporary exemption for its MSV small bus from the requirement of Motor Vehicle Safety Standard No. 105 *Hydraulic and Electric Brake Systems* that a service brake system be provided on all wheels. ABI applied for the exemption on the basis that it "is otherwise unable to sell a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles." 49 CFR 555.6(d).

We published notice of receipt of the application on November 17, 1999 (64 FR 62740), and received no comments on it.

The discussion that follows is based on information contained in ABI's application.

ABI's Reasons Why it Needs a Temporary Exemption

Paragraph S5.1 of Standard No. 105 requires motor vehicles to which the standard applies to be equipped with a service brake system acting on all wheels. ABI applied on behalf of its "MSV Test and Development Vehicle," a small bus with a GVWR of 13,500 pounds.

ABI described the configuration of the MSV by saying that the four-wheel independent-suspension support is augmented by a small-wheeled tag axle. The tag axle is located behind the two rear-independent suspension wheels. The four independent-suspension wheels are fitted with hydraulic-caliper disc brakes but the two small wheels of the tag axle are not fitted with brakes. ABI asked to be excused from providing brakes for the wheels of the tag axle.

The MSV was originally developed without the tag axle, but pre-production changes increased the gross weight on the two rear wheels beyond the rated load capacity of the rear tires. ABI has added a Dexter tag axle to support the additional weight.

The standard-equipment brakes operate with a low displacement of hydraulic fluid at a pressure of approximately 1,600 psi. The vehicle is equipped with an antilock braking system (ABS). However, "there is no commercially-available tag axle with a braking system that is compatible with the vehicle's main service brake system." Absent an exemption, ABI will not be able to sell the production version of the MSV. While any exemption provided is in effect, ABI intends "to develop a new higher-capacity, rear wheel suspension system that will eliminate the need for the tag axle", and does not anticipate selling more than 75 vehicles for any 12-month period that the exemption is in effect.

ABI's Reasons Why the Overall Level of Safety of the MSV Is at Least Equal to That of a Complying Motor Vehicle

Although the MSV does not contain any safety features other than those required by the Federal motor vehicle safety standards, ABI argued that it otherwise exceeds the requirements of Standard No. 105 "and easily complies with brake-in-turn (stability and control) standards expected to be proposed by NHTSA in the near future."

The company has tested the MSV service brake system to the requirements of Standard No. 105, and enclosed a copy of the test report with its petition. The report stated that "even without brakes on the tag axle, the vehicle was still able to meet all of the performance

requirements of FMVSS 105 by a significant margin.” (Test No. RAI-ABI-01, Radlinski & Associates, Inc., August 1999, p. 2). The report also concluded that the results demonstrated “that the tag axle, which only carries 1,500 lbs (11 percent of the total weight), does not really need brakes in order for the vehicle to provide safe stopping performance as defined by the requirements of the standard” (*id.*, p. 2).

ABI's Reasons Why an Exemption Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

ABI argued that an exemption would be in the public interest and consistent with traffic safety objectives because granting the exemption “will permit public-transit use of the advanced features of the MSV bus while fulfilling the letter, and the intent, of the FMVSS standards.” These advanced features are “significantly improved ride and handling characteristics compared to existing small buses and the MSV’s stainless steel frame and FRP body will be more durable than conventionally-constructed buses in this class.” In addition, the company argued that the test report shows that the braking performance, even without brakes on the tag axle, significantly exceeds the requirements of Standard No. 105.

Our Findings

ABI is presently unable to sell its MSV because the bus does not provide a service brake system acting on all wheels as required by S5.1 of Standard No. 105. Although the four principal wheels are part of the service brake system, the two smaller wheels of the bus’s tag axle are not part of the overall service brake system. The lack of a service brake system on the tag axle wheels does not create a noncompliance with the stopping distance specifications of Standard No. 105. Indeed, the bus is designed to exceed these by, in its words, “a significant margin.” In this sense, the overall level of safety of the MSV may exceed that of a similar bus with a complying brake system.

Even though the anticipated production of the bus is small, the vehicles serve the public interest by providing mass transportation in the markets where they will be sold and operated.

Accordingly we find that, to require compliance would prevent ABI from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles, and that a temporary exemption is in the public

interest and consistent with the objectives of traffic safety. Accordingly, Advanced Bus Industries is hereby granted NHTSA Exemption No. 2000-1 from the requirement in S5.1 of 49 CFR 571.105 Standard No. 105, *Hydraulic and electric brake systems*, that its MSV bus be equipped with a service brake system on the two wheels of the bus’s tag axle. The exemption shall expire January 1, 2002.

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

Issued on: February 2, 2000.

Rosalyn G. Millman,
Acting Administrator.

[FR Doc. 00-2719 Filed 2-7-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6586; Notice 01]

RIN 2127-AH76

Preliminary Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Publication of preliminary theft data; request for comments.

SUMMARY: This document requests comments on data about passenger motor vehicle thefts that occurred in calendar year (CY) 1998, including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 1998. The theft data preliminarily indicate that the vehicle theft rate for CY/MY 1998 vehicles (2.53 thefts per thousand vehicles) decreased by 17.05 percent from the theft rate for CY/MY 1997 vehicles (3.05 thefts per thousand vehicles).

Publication of these data fulfills NHTSA’s statutory obligation to periodically obtain accurate and timely theft data, and publish the information for review and comment.

DATES: Comments must be submitted on or before April 10, 2000.

ADDRESSES: All comments should refer to the docket number and notice number cited in the heading of this document and be submitted, preferably with two copies to: U.S. Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 10:00 am to 5:00 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and

Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor’s telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing or affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data, and publish the data for review and comment. To fulfill the § 33104(b)(4) mandate, this document reports the preliminary theft data for CY 1998, the most recent calendar year for which data are available.

In calculating the 1998 theft rates, NHTSA followed the same procedures it used in calculating the MY 1997 theft rates. (For 1997 theft data calculations, see 64 FR 41183, July 29, 1999). As in all previous reports, NHTSA’s data were based on information provided to the agency by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a governmental system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 1998 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 1998 vehicles of that line stolen during calendar year 1998, by the total number of vehicles in that line manufactured for MY 1998, as reported by manufacturers to the Environmental Protection Agency.

The preliminary 1998 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1997. The preliminary theft rate for MY 1998 passenger vehicles stolen in calendar year 1998 decreased to 2.53 thefts per thousand vehicles produced, a decrease of 17.05 percent from the rate of 3.05 thefts per thousand vehicles experienced by MY 1997 vehicles in CY 1997. For MY 1998 vehicles, out of a total of 196 vehicle lines, 41 lines had a theft rate higher than 3.5826 per thousand vehicles, the