

CFR section	Respondent universe	Total annual responses	Average time per response (hours)	Total annual burden hours	Total annual burden cost
Requests for Approval of Marking Devices & Signed Certification by Chief Operating Officer.	685 railroads .....	2 requests .....	4	8	\$280
Recordkeeping—Requests for Marking Devices .....	685 railroads .....	2 records .....	.10	.20	7
Recordkeeping—Detailed Test Records .....	685 railroads .....	1 test record .....	20	20	700

*Total Responses:* 5.  
*Estimated Total Annual Burden:* 28.2 hours.  
*Status:* Regular Review.  
*Title:* Certification of Glazing Materials.  
*OMB Control Number:* 2130-0525.

*Abstract:* The collection of information is set forth under 49 CFR part 223 which requires the certification and permanent marking of glazing materials by the manufacturer along with the responsibility of the manufacturer to make available test verification data to railroads and FRA upon request.

*Affected Public:* Businesses.  
*Respondent Universe:* 5 manufacturers.  
*Frequency of Submission:* On occasion.  
*Reporting Burden:*

CFR section	Respondent universe (manufacturers)	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
Requests—Glazing Certification Info .....	5	75 requests .....	15 minutes .....	19	\$475
Preparing/Recording Glazing Marking Information .....	5	25,000 pieces ...	.0021 minutes ...	52	1,300
Certification Test .....	5	1 test .....	14 hours .....	14	1,120

*Total Responses:* 76.  
*Estimated Total Annual Burden:* 85 hours.  
*Status:* Regular Review.  
 Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

Issued in Washington, D.C. on May 12, 2000.

**Margaret B. Reid,**

*Acting Director, Office of Information Technology and Support Systems, Federal Railroad Administration.*

[FR Doc. 00-12568 Filed 5-17-00; 8:45 am]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION  
 Federal Railroad Administration  
 Petition for Waiver of Compliance**

In accordance with Part 211 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

**Alaska Railroad Corporation**

[Docket Number FRA-2000-7350]

The Alaska Railroad Corporation (ARR) seeks a temporary waiver of compliance with a provision of the Passenger Equipment Safety Standards

(49 CFR part 238). ARR has been transporting full-length dome cars owned by Westours Motorcoaches, Inc. since 1987. ARR states that the cars currently have two emergency exits on each side of the car located in the staggered hallways (a total of four emergency exits per car located midway between the upper main level and a small lower level). Westours Motorcoaches, Inc. determined that the placement of the current emergency exits did not comply with 49 CFR 238.113(a) which addresses the number and location of emergency exits. Accordingly, Westours contracted for retrofit of existing dome cars to comply with section 238.1139(a). Although delivery of compliant emergency windows was originally scheduled for April 1, 2000, due to technical problems, delivery may not be accomplished until as late as August 1, 2000.

ARR is therefore requesting a temporary waiver from section 238.113(a) until August 1, 2000 to permit it to use Westours Motorcoaches, Inc. dome cars in revenue and non-revenue service until that time.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should identify the appropriate docket number (e.g. Docket No. FRA-2000-7350) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590.

Communications received within 15 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9:00 am—5:00 pm) at the above facility.

All documents in the public docket are also available for inspection and copying on the internet at the docket facility's web site at <http://dms.dot.gov>.

Issued in Washington, D.C. on May 11, 2000.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

[FR Doc. 00-12567 Filed 5-17-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-7354; Notice 1]

#### Honda Motor Co., Ltd.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

Honda Motor Co. Ltd. ("Honda"), a Japanese corporation, through American Honda Motor Co., Inc., of Torrance,

California, has applied for a temporary exemption of two years from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays*. The basis of the request is that "compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles," 49 U.S.C. 30113(b)(3)(B)(iv).

We are publishing this notice of receipt of an application in accordance with the requirements of 49 U.S.C. 30113(b)(2). This action does not represent any judgment of the agency on the merits of the application.

Honda has applied on behalf of its NSS250 motor scooters. The scooters are defined as "motorcycles" for purposes of compliance with the Federal motor vehicle safety standards.

If a motorcycle is produced with rear wheel brakes, S5.2.1 of Standard No. 123 requires that the brakes be operable through the right foot control (the left handlebar is permissible only for a motor driven cycle (Item 11, Table 1), i.e., a motorcycle with a motor that produces 5 brake horsepower or less).

Honda petitions that it be allowed to use the left handlebar as the control for the rear brakes of its NSS250, which is a motorcycle and not a motor driven cycle. The model features an automatic transmission that eliminates the left-hand clutch lever as well as any left-foot gearshift lever. This leaves the left hand of the rider free to operate a brake lever. In Honda's opinion, "removal of the left-handlebar clutch lever, left-foot-controlled gearshift lever and right-foot-controlled rear brake pedal result in simpler operation." Honda points out that NHTSA exempted three other motorcycle manufacturers from this requirement of S5.2.1. in 1999 (Aprilia, 64 FR 44262; Vectrix, 64 FR 45585; and Italjet, 64 FR 58127).

Honda argues that the overall level of safety of the scooters equals or exceeds that of a motorcycle that complies with the brake control location requirement of Standard No. 123. Unlike the other exempted motorcycles, the NSS250 is equipped with a "combined brake system" which "provides single-point, front- and rear-wheel braking action." The vehicle meets the braking performance requirements "of both FMVSS 122 and ECE78." The company submitted test results demonstrating

that the braking performance of the NSS250 with its combined brake system is better than that of a scooter without the combined brake system. For the second effectiveness test, for example, the NSS250 stopped in shorter distances than a Honda model equipped with a foot brake, that is to say, from a maximum speed of 65.4 mph in 165 feet (compared with 178 feet), and, from 30 mph, in 38 feet (compared with 40 feet).

Honda has developed the NSS250 for the world market. In Europe, Japan, and other Asian countries, scooters are equipped with handlebar-mounted front and rear brakes. Absent an exemption, then, Honda will be unable to sell the NSS250 in the United States. The cost to conform the NSS250 to comply with Standard No. 123 "would add considerable cost to the product" and result in a motorcycle that would not be competitive.

Honda will not sell more than 2,500 scooters a year while an exemption is in effect. It believes that an exemption would be in the public interest and consistent with the objectives of traffic safety because "the level of safety is equal to similar vehicles certified under FMVSS No. 123."

You may submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. You should send at least two copies.

We shall consider all comments received before the close of business on the comment closing date indicated below. Comments will be available for examination in the docket at the above address both before and after that date. The Docket Room is open from 10:00 a.m. until 5:00 p.m. To the extent possible, comments filed after the closing date will also be considered.

We shall publish a notice of final action on the application pursuant to the authority indicated below.

Comment closing date: June 19, 2000. (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on May 11, 2000.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 00-12556 Filed 5-17-00; 8:45 am]

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