

various stages of development and would like to obtain more information about them.

DATES: The FHWA must receive your submission of information on potential technologies on or before August 30, 1999.

ADDRESSES: All information should refer to the docket number that appears in the heading of this document. Submit it to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All submissions will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. If you desire notification of receipt of your submission of information, include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Albert Alvarez, Office of Motor Carrier Research & Standards, HMCS-20, (202) 366-4706, or Mr. Charles Medalen, Office of Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC. 20590-0001. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments by using the DOT's Dockets Management System (DMS) at <http://dms.dot.gov>. The DMS is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1662. Internet users may reach the **Federal Register's** home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

Background

Section 4021 of TEA-21 (Pub. L. 105-178) requires the Secretary of Transportation to encourage the research, development, and demonstration of technologies that may aid in reducing commercial motor vehicle (CMV) operators' fatigue. In implementing Section 4021, the Secretary must take into account the degree to which the fatigue-reducing technology: will be cost-efficient; can be used effectively under diverse climactic conditions; and will further emission

reductions, conserve energy, and support other transportation goals.

The FHWA has received information about a few private initiatives that appear to reduce fatigue while meeting varied climactic demands, conserving energy, and reducing emissions. However, as far as the FHWA is aware, the relative benefits and costs of these technologies (e.g., in terms of fuel consumption, definable level of emissions reductions, developmental cost, and operating cost) have not been subjected to a rigorous assessment. Moreover, other viable products may be planned or under development that the FHWA should include in any general assessment.

Consequently, the FHWA is interested in obtaining as much information as possible about a variety of emerging technologies, and requests that all interested parties provide the agency with information about specific technologies that appear to satisfy the intent of section 4021.

The FHWA will use the information that it collects to help it determine research priorities and funding needs. The FHWA also will use the information to determine whether Federal support of initial engineering and cost-benefit evaluations of the described technologies would be appropriate to answer questions about their performance. Analyzing performance will help determine potential benefits, as well as cost or design obstacles that might lessen acceptance. This cost-benefit analysis would be essential before the FHWA could make any further public investment in research to determine how well any specific technology mitigates fatigue.

Response Requirements

The FHWA asks that respondents provide the following information, at a minimum:

1. A general description of the technology itself, identifying, for example, its chemical, mechanical, and electronic components and configuration;
2. A brief description of the developmental history;
3. A summary of the technology's current or intended use(s);
4. The energy source(s) used, or to be used. In particular, whether it would, in a commercial motor vehicle environment, rely upon existing sources (e.g., on-vehicle fuel or battery power) or some additional/external source of energy;
5. A description of its status (i.e., initial design stage, available prototype,

pilot application/testing in an industry or transportation environment);

6. If appropriate, its current domestic or foreign application, either in transportation or some other industrial capacity;

7. Its potential for use and maintainability in a mobile CMV environment (assuming the technology is not now specifically designed for, or being used on CMVs);

8. Information about its public and private sector sponsor(s); and

9. The estimated cost of the technology.

In addition to the specific questions listed above, commenters are encouraged to discuss any other issues they believe are relevant to the assessment of technologies described in this Notice. The FHWA requests that commenters avoid submitting proprietary or confidential information.

Subsequent Evaluations

Once the FHWA has completed its review of all the submissions, the agency will publish a summary report on the characteristics, status and future developmental needs of the technologies described by individual respondents to this Notice. The FHWA also will discuss in its report the agency's determination of any need for additional evaluations or tests, based on the nature and number of individual technologies described in the submissions. The FHWA hopes to devote research dollars in FY 2000 to these additional evaluations or tests, as determined appropriate, subject to the availability of funds.

Authority: 23 U.S.C. 315; 49 CFR 1.48; Sec. 4021(a) of Pub. L. 105-178.

Issued on: June 23, 1999.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 99-16758 Filed 6-30-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99-5476; Notice 2]

Electric Vehicles International; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121

We are granting the application by Electric Vehicles International LLC ("EVI") of Anderson, Indiana, to be exempted from portions of Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. The statutory basis

for granting this request is our finding that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 U.S.C. 30113.

We published a notice of receipt of the application on April 12, 1999 (64 FR 17715), and asked for comments on it. There was one comment: Gillig Corporation opposed granting the application. We present Gillig's comment in our discussion below on why we have decided to grant EVI's request.

The discussion below is based on information that EVI provided in its application.

Why EVI Needs an Exemption

EVI requested an exemption for three years. In August 1997, EVI was organized as a corporation, acquiring some of the assets of Specialty Vehicle Mfg. Corp. of California, a manufacturer of buses and trolleys for use in transit and shuttle service. EVI's goal is to turn the operation into "a first class bus company." It estimated its projected start-up costs at \$4,000,000, and has raised \$3,000,000 through a private placement offering.

Effective with vehicles manufactured on or after March 1, 1998, S5.1.6.1(a) of Standard No. 121 requires each single unit vehicle including buses to be equipped with an antilock brake system. EVI's product line consists of battery-powered and hybrid electric buses and trolleys, primarily used by transit agencies. Presently, it produces Generation III buses and trolleys. These vehicles are rated at 18,000 to 22,000 GVW, "so they do not fall in either the light vehicle or heavy vehicle class." It knows "from experience working with axle suppliers that it would take a minimum of 18-24 months to receive a prototype axle with antilock brakes." After receiving the prototype system, it would have to review for further design changes necessary to install on future vehicles.

Why Compliance Would Cause EVI Substantial Economic Hardship

To design, develop, and test an antilock brake system for a production rate of 50 to 300 vehicles per year would create a substantial increase in the price of the buses and trolleys that EVI intends to manufacture. If EVI is unable to obtain an exemption, it would have to "cease production and close the company." Its net loss for the 5 months it was in existence in 1997 was \$437,900, increasing to \$1,632,800 for the 12 months of 1998. The company had manufactured two vehicles as of the end of January 1998.

How EVI Has Tried in Good Faith To Comply With Standard No. 121

EVI's buses use an air-over-hydraulic brake system. The company has searched the industry to find an antilock brake system for vehicles defined as "medium duty vehicles." To date, it has been unable to find any manufacturer that has a system available to meet its braking requirements. Attachment 3 to EVI's application listed 19 manufacturers and suppliers that it contacted in its attempt to comply with the antilock brake system requirements in Standard No. 121.

Why an Exemption for EVI Would Be in the Public Interest and Consistent with the Objectives of Motor Vehicle Safety

The City of Anderson is assisting EVI financially with additional capital with the stipulation that EVI hire "at least 51% low and moderate income persons by creating jobs." EVI will offer prospective assembly positions extensive training in conjunction with the County's job training and partnership administration.

EVI enclosed data purporting to show that the total service and emergency brake stopping distance of its bus already comply with the maximum stopping distances specified in Table II of Standard No. 121, and will be unaffected by an exemption.

Why Gillig Corporation Opposes Granting EVI a Temporary Exemption

As noted earlier, we received one comment on EVI's application, from Gillig Corporation, which opposed it.

Gillig describes itself as "a manufacturer of heavy duty buses, primarily for transit operations." It views the antilock features of Standard No. 121 as a justifiable safety requirement, and not an option dependent on the profitability of a corporation. Given the April 1994 SNPRM that proposed applicability of antilock feature to buses initially in 1998, Gillig argues that this "is more than enough notice to plan for a business like change over," and concludes that "EVI ignored this important standard for at least two years." It criticizes EVI's "development time claims [as] obviously overstated." Gillig asserts that all EVI's competitors "have exactly the same business problems and economic hardships," and feels that it is "unfair for EVI to seek relief . . . for their business mismanagement." Gillig comments that "virtually all transit buses are included in F[ederal]T[ransit]A[dministration] funding programs" and that the taxpayers will not be receiving buses that fully comply with the FMVSS. Finally, in Gillig's view, we

"encouraged this petition last year with a large scale exception to Orion Bus Industries."

Our Finding That a Denial Would Cause Substantial Economic Hardship to a Manufacturer That Has Tried in Good Faith To Comply With Standard No. 121

According to its application, EVI was organized in August 1997, slightly over 6 months before the effective date of the requirement from which it seeks temporary relief. For this reason, Gillig's comment that "EVI ignored this important standard for at least two years" does not seem to be accurate. Nor does it appear that "all EVI's competitors have exactly the same business problems and economic hardships," because we have received no other applications from start-up manufacturers who cannot find a supplier. The Orion exemption (63 FR 26248) that Gillig mentioned is not on point; Orion simply was unable to complete an order of 148 buses before the effective date of the anti-lock requirement because of the insolvency of one of its suppliers. The rest of Orion's production complied as of March 1, 1998.

EVI's total production to date appears to be two buses, produced before March 1, 1998. The company first approached us about applying for an exemption at the end of September 1998. It appears obvious that it did not do so until it concluded that it could not find a supplier, after contacting 19 prospects. Although Gillig commented that EVI's "development times are obviously overstated," EVI's inability to find a supplier was not contested. In the meantime, EVI's cumulative net losses as of the end of 1998 were approximately \$2,000,000.

We find therefore that denial of an exemption will cause substantial economic hardship to a company that has made a good faith attempt to meet the anti-lock requirements of the air brake standard.

Our Finding That a Temporary Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

EVI informed us that, under a financing agreement with the City of Anderson, it is required to hire at least 51% low and moderate income persons by creating jobs, in conjunction with the County's job training and partnership administration. We have concluded that it is in the public interest as well to

facilitate the development of electric and hybrid propulsion systems.

EVI enclosed data which it believes show that the total service and emergency brake stopping distances of its bus already comply with the maximum stopping distances specified in Table II of Standard No. 121, and will be unaffected by an exemption.

We find therefore that a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. We are nevertheless mindful that vehicles engaged in carrying the public on a daily basis ought to comply with anti-lock requirements at the earliest possible time. Although EVI has asked for a 3-year exemption, and we are granting it, we have the authority to impose appropriate terms on the grant (49 U.S.C. 30113(b)(1)). We are therefore asking EVI to provide us with a yearly report on the progress it is making in bringing its buses into full compliance with Standard No. 121, with the hope that this may be achieved before the end of the exemption period. This report will also include the number of buses

produced under the exemption as of that date.

Grant of the Temporary Exemption

Electric Vehicles International is hereby granted NHTSA Temporary Exemption No. 99-7 from S5.1.6.1(a) of 49 CFR 571.121 Standard No. 121 *Air brake systems*, expiring May 1, 2002, subject to the condition that it provide a report to the Administrator on May 1, 2000, and May 1, 2001, detailing its continuing efforts to conform, and including the number of buses manufactured under the exemption.

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

Issued on: June 22, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99-16718 Filed 6-30-99; 8:45 am]

BILLING CODE 4910-59-P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "The Treasury of St. Francis of Assisi"

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: This is an amendment to the Notice regarding Culturally Significant Objects Imported for Exhibition in the exhibit entitled "The Treasury of St. Francis of Assisi." This is to amend **Federal Register** Doc. 99-1839, FR Vol. 64, No. 17 (January 27, 1999) by inserting the following language after the words "June 27, 1999": "and at the Fine Arts Museums of San Francisco, CA from on or about July 24, 1999, to on or about November 14, 1999." is in the national interest.

Dated: June 25, 1999.

Les Sin,

General Counsel.

[FR Doc. 99-16749 Filed 6-30-99; 8:45 am]

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