

36831, requesting comments within 60 days on this information collection. Three respondents submitted comments. One concurred, indicating it appeared all interests have been served by the wording and thought behind this measure. The second respondent made three recommendations: (1) Eliminate the geographical region of intended operation and trade. MARAD's response—Non-concur, we find it necessary to require the geographical region in order to make the necessary determination of adverse affect of the requested waiver. (2) Eliminate the requirement to include impact on other commercial passenger vessel operators in the application for waiver. MARAD's response—Non-concur, the information on impact is needed to determine the adverse affect, if any, and is therefore retained in the application information collection requirements. (3) Eliminate the application fee. MARAD's response—Non-concur, the application fee will be retained as it is Federal policy to assess a "user charge" against each identifiable recipient for special benefits derived from Federal activities beyond those received by the general public (Office of Management and Budget Circular A-25, "User Charges," July 8, 1993). Processing a waiver application would provide such a special benefit.

The third respondent proposed a number of changes to the proposed regulation. All comments are addressed in the preamble to the final rule. Here, we are concerned only with the four comments relevant to the information collection requirements: (1) Suggest that only the owner of the vessel should be able to submit a waiver application. MARAD's response—Concur, we have revised the rule to reflect this requirement. (2) Suggest the applicant be required to provide a statement explaining the duration of the applicant's ownership of the vessel, his cost of purchasing or otherwise obtaining the vessel, and the uses to which he has put the vessel since obtaining it. MARAD's response—We believe these questions are unnecessary for MARAD to effectively carry out its responsibilities under Title V of the Coast Guard Authorization Act of 1998. (3) The association supports the application fee of \$300. (4) Require that no substantial change in employment of the vessel in the coastwise trade may be made without prior notice to MARAD. MARAD's response—Concur, we have added this requirement to the final rule, indicating that failure to provide advance notice may effect an immediate

revocation of the waiver under section 388.5.

Issued in Washington, DC on November 3, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99-29268 Filed 11-8-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99-6207, Notice 1]

Bombardier Motor Corporation of America, Inc.; Receipt of Application for Determination of Inconsequential Noncompliance

Bombardier Motor Corporation of America, Inc. ("BMCA") of Melbourne, Florida has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 "Motor Vehicle Safety" for a noncompliance with 49 CFR 571.209, Federal Motor Vehicle Safety Standard (FMVSS) No. 209, "Seat Belt Assemblies," on the basis that the noncompliance is inconsequential to motor vehicle safety. BMCA has filed a report of noncompliance pursuant to 49 CFR part 573 "Defects and Noncompliance Reports."

Notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

Description of the Noncompliance

S4.1(j) of FMVSS No. 209 requires that each seat belt assembly be permanently and legibly marked or labeled with the year of manufacture, and the model and name or trademark of the manufacturer or distributor. The seat belt assemblies, manufactured by Good Success Corporation, model AB401 (309), and were installed in the Bombardier NVs sold between June 17, 1998 and April 9, 1999, do not contain the requisite marking or labeling. With the exception of the marking, the seat belt assemblies in question fully comply with all NHTSA safety requirements.

Bombardier Arguments

Bombardier argues that this noncompliance is inconsequential for the following reasons: "Under the National Traffic and Motor Vehicle Safety Act (the 'Act'), 49 U.S.C. 30101 *et seq.*, each FMVSS that is promulgated is required to be 'practicable, meet the need for motor vehicle, and be stated in objective terms.' 49

U.S.C. 30111(a). The definition of 'motor vehicle safety' is as follows:

"Motor vehicle safety" means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against *unreasonable risk of accidents* occurring because of the design, construction or performance of a motor vehicle, and against *unreasonable risk of death or injury* in an accident, and includes nonoperational safety of a motor vehicle.

Section 30118(d) of the Act exempts manufacturers from the Act's notice and remedy requirements when the Secretary determines that a defect or noncompliance is inconsequential as it relates to motor vehicle safety. Section 30118(d) of the Act demonstrates Congress' acknowledgment that there are cases where a manufacturer has failed to comply with a FMVSS and yet the impact on motor vehicle safety is so slight that an exemption from the notice and remedy requirements of the Act is justified.

FMVSS No. 209 provides the requirements for seatbelt assemblies. 49 CFR 571.209 S1 (1998). The purpose for seat belt assemblies is to provide occupant restraint. *Id.* at S4.1(b). Although not discussed in regulations, common sense dictates that when a seat belt assembly is properly installed, the marking or labeling requirements at FMVSS No. 209 S4.1(j) play no role in the performance of such seatbelt assembly."

The seat belt assembly labeling requirement at FMVSS No. 209 S4.1(j) provides in pertinent part:

Each seatbelt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and make or trademark of manufacturer or distributor, or of importer if manufactured outside the United States.

Because this standard does not address seatbelt assembly materials or performance requirements, the purpose of FMVSS No. 209 S4.1(j) appears to assure that the correct seat belt assemblies are installed in a given vehicle—either as original equipment manufacturer, or as replacement equipment. BMCA's noncompliance with FMVSS No. 209 S4.1(j) thus raises two questions:

(1) Could the labeling noncompliance have caused the seat belt assemblies to have been installed improperly by BMCA?

(2) Would the labeling noncompliance interfere with the proper acquisition and installation of a replacement seat belt assembly?

BMCA is confident that all noncompliant seat belt assemblies were properly installed at its manufacturing facility. Because BMCA only manufactures one motor vehicle subject to FMVSS, there can be little confusion regarding which belt goes in which vehicle. BMCA is also confident that the labeling noncompliance will not interfere with acquisition and installation of a replacement seat belt assembly should there even be one. The seat belt marking also assists should there be a recall regarding the seat belt, and would identify the belt by year and manufacturer. As BMCA has been selling NV for a short period, the chance of confusion over the year or seat belt manufacturer is remote.

Because of the design of the seat belt assemblies found in Bombardier NVs, it

would be very difficult to inadvertently install any of the seat belt assemblies in question in anyplace other than the seat belt assemblies' intended location in the Bombardier NV.

BMCA is unaware of any owner complaints, field reports or allegations of hazardous circumstances relating to either the lack of the requisite seat belt assembly label, or of the improper installation of seat belt assemblies in any of its NVs. Furthermore, BMCA has found no instance where a seat belt assembly (regardless of labeling compliance) was improperly installed in any Bombardier NV. In fact Bombardier is unaware of any complaints from consumers regarding the seat belts.

Seat belt assemblies for the Bombardier NV are not distributed through the general automotive aftermarket; they are only sold by Bombardier NV dealers. The part number for the Bombardier NV seat belt assembly is 00078. This is the only seat belt part number for the vehicles in question so there can be no confusion. Because seat belt assemblies for the Bombardier NV are presently only available through dealers, and that the Bombardier parts numbering system will assure proper replacement seat belt assemblies, BMCA is confident that the labeling noncompliance will not interfere with the proper acquisition and installation of a replacement seat belt assembly.

NHTSA has granted similar petitions for noncompliance with seatbelt assembly labeling standards. *See, generally, TRW, Inc.*, Docket. No. 92-67; Notice 2, 58 FR 7171 (1993) *Chrysler Corporation*, Docket. No. 92-94; Notice 2, 57 FR 45,865 (1992). In both of these cases the petitioners demonstrated that the noncompliant seat belt assemblies were properly installed, and that due to their respective replacement parts ordering systems, improper replacement seat belt assembly selection and installation would unlikely occur.

BMCA believes that because the labeling noncompliance has no bearing on the materials or performance standards articulated in FMVSS No. 209, that [S16] all the seat belt assemblies in question were properly installed as original equipment, and that BMCA's replacement part system would preclude the purchase and installation of an improper replacement seat belt assembly for a Bombardier NV, the noncompliance poses no motor vehicle risk.

Interested persons are invited to submit written data, views and

arguments on the petition of BMCA, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, National Highway Traffic Safety Administration, Room PL 401, 400 Seventh Street, SW., Washington DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent practicable. When the application is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 9, 1999.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: November 3, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99-29269 Filed 11-8-99; 8:45 am]

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 2, 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 December 9, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545-1029.

Form Number: IRS Form 8693.

Type of Review: Revision.

Title: Low-Income Housing Credit Disposition Bond or Treasury Direct Account Application.

Description: Form 8693 is needed per Internal Revenue Code (IRC) section 42(j)(6) to post bond or establish a Treasury Direct Account and waive the recapture requirement under section 42(j) for certain dispositions of a building on which the low-income housing credit was claimed. Internal Revenue regulations section 301.7101-1 requires that the posting of a bond must be done on the appropriate form as determined by the Internal Revenue Service.

Respondents: Business or other for-profit, individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—13 min.

Learning about the law or the form—14 min.

Preparing the form—20 min.

Copying, assembling, and sending the form to the IRS—20 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 1,130 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 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.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 99-29297 Filed 11-8-99; 8:45 am]

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