

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. 97-057-NO1]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.
ACTION: Request for public comment on proposed collections of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before December 16, 1997.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to Docket Section, Room 5109, NHTSA, 400 Seventh St., SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided by referencing its OMB Clearance Number. It is requested, but not required, that 1 original plus 2 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Mr. Edward Kosek, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, SW., Room 5111, Washington, DC 20590. Mr. Kosek's telephone number is (202) 366-2589. Please identify the relevant collection of information by referring to its OMB Clearance Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a

document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

49 CFR Part 571.218, Motorcycle Helmets

Type of Request—Extension of a currently approved clearance.

OMB Clearance Number—2127-0518.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years from date of clearance.

Summary of the Collection of Information—NHTSA has issued Federal Motor Vehicle Safety Standard No. 218, Motorcycle Helmets, which establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. Standard No. 218 requires that each helmet shall be labeled permanently and legibly (S5.6), in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

Description of the Need for the Information and Proposed Use of the Information—NHTSA requires labeling information to ensure that helmet owners have important safety information. The information currently provided on the helmet from the labels includes the manufacturer's name or identification, model, size, month and year of manufacture, shell and liner construction of the helmet. The owners will also receive important information on caring for the helmet from the labels. Finally, the DOT symbol signifies the manufacturer's certification that the helmet meets all the requirements in the standard. Labeling is necessary for

NHTSA to identify the helmet, particularly, if the helmet failed the compliance tests.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—NHTSA estimates that 24 manufacturers of motorcycle helmets offer their products for sale in the United States. The frequency of response to the collection of information depends on the number of helmets that each manufacturer sells.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—Currently, 24 manufacturers produce, on the average, a total of approximately 1,200,000 motorcycle helmets a year. NHTSA estimates that the total annual information collection burden on all manufacturers is 4,000 hours. NHTSA estimates that annualized costs on all manufacturers is \$480,000.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Dated: October 1, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-27596 Filed 10-16-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. 97-041; Notice 01]

Denial of Petition To Adopt a Federal Motor Vehicle Safety Standard To Require That New Vehicles Be Equipped With Technology (Computer Chips) Embedded in Ignition Keys To Deter Theft

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies the Consumers for Auto Reliability and Safety's (CARS) petition to adopt a Federal Motor Vehicle Safety Standard (FMVSS) to require that new motor vehicles be equipped with specific technology, such as computer chips in the ignition keys, to deter theft. CARS believes that the standard it proposed would ensure a safer and more effective means of deterring theft than the steering lock systems presently required by 49 CFR Section 571.114, Theft Protection.

The agency is denying this petition because it cannot mandate specific technologies that motor vehicle manufacturers are to use to deter theft. The definition of "motor vehicle safety standard" in the vehicle safety law limits the agency's discretion with respect to petitions that seek to specify the design of vehicles or equipment rather than their performance. In addition, the Department of Transportation (DOT) and the Department of Justice (DOJ) are currently assessing the existing theft prevention program to determine what, if any, changes are needed to further deter motor vehicle theft. Accordingly, the agency believes it would be premature to promulgate additional requirements before this comprehensive assessment is completed.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Motor Vehicle Theft Group, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

SUPPLEMENTARY INFORMATION: By facsimile dated April 21, 1997, CARS petitioned the agency to adopt a new Federal Motor Vehicle Safety Standard (FMVSS) which will require new motor vehicles to be equipped with specific technology, such as computer chips embedded in the ignition keys, to deter theft. CARS believes that adopting such a standard would reduce crime and ensure a safer and more effective means of deterring theft than that offered by the steering lock systems presently required by 49 CFR Section 571.114, Theft Protection. Additionally, CARS notes that the European Union has mandated that model year (MY) 1999 vehicles must use some form of this technology to deter motor vehicle theft in its market. CARS contention is that adopting the proposed standard would be compatible with the agency's goal of moving toward harmonization with other countries without jeopardizing a stronger U.S. standard.

Agency Analysis

Because there is already a standard (FMVSS 114) covering theft protection, the agency is treating CARS' petition as a petition to amend the existing standard rather than to adopt a new standard as the petitioner requests. FMVSS 114 specifies requirements primarily for theft protection to reduce the incidence of crashes resulting from unauthorized operation of motor vehicles, or from rollaway of parked vehicles. Specifically, this standard

requires that each vehicle have a key-locking system that requires the vehicle transmission lever to be in "park" before removal of the key is permitted; and that, whenever the key is removed, prevents the vehicle from starting, and prevents the steering and/or forward mobility of the vehicle.

Although NHTSA is interested in actions that would reduce motor vehicle theft and provide for a safer and more effective means of deterring theft than that presently offered by steering lock systems, the definition of "motor vehicle safety standard" in the vehicle safety law, 49 U.S.C. 30102(9), provides that a safety standard is "a minimum standard for motor vehicle or motor vehicle equipment performance." This definition limits the agency's discretion with respect to petitions that seek to specify the design of vehicles or equipment rather than their performance. This prohibits the agency from mandating specific technologies that motor vehicle manufacturers are to use to deter theft, as the CARS petition requests.

In addition to FMVSS 114, Congress and NHTSA recognized the economic impact and seriousness of motor vehicle theft and have taken actions aimed at alleviating theft in a cost-effective manner. The Motor Vehicle Theft Law Enforcement Act (the Theft Act) was passed by Congress in 1984. The purpose of the Theft Act was to reduce the incidence of motor vehicle thefts and to facilitate the tracing and recovery of stolen motor vehicles and parts from stolen vehicles. The Department of Transportation implemented this legislation by issuing the Federal Motor Vehicle Theft Prevention Standard (49 CFR part 541), which requires manufacturers of designated high-theft passenger cars to inscribe or affix the vehicle identification number onto the major parts of that vehicle. In 1992, the Theft Act was amended to provide tougher law enforcement against auto theft, impede automobile title fraud, and extend the parts-marking requirements to light-duty trucks and multipurpose passenger vehicles.

49 CFR part 543, Exemption from Motor Vehicle Theft Prevention Standard, provides that manufacturers of high-theft vehicle lines may petition the agency for an exemption from the parts-marking requirements if an anti-theft device is installed as standard equipment on the entire vehicle line. A manufacturer may be exempted from the parts-marking requirements for any line of passenger motor vehicles equipped with an anti-theft system that is determined to be as effective in

reducing and deterring theft as parts marking would be.

The exemption provisions of the Theft Act have already resulted in manufacturers installing anti-theft systems, including systems that incorporate the technology advocated by CARS, in many high-theft models. Thus, vehicles with higher-than-median theft rates are already equipped with theft deterrents (parts marking and/or anti-theft systems) that add to the protection provided by FMVSS No. 114.

All manufacturers are attempting to reduce motor vehicle theft through development and installation of effective anti-theft devices as standard equipment. Additionally, along with meeting mandatory requirements, all manufacturers have moved forward in manufacturing new vehicles with other improved anti-theft deterrents, such as hardened collars that shield the upper and lower casing of the steering column. These deter theft by increasing significantly the time required to disable the locking mechanism for the ignition, steering wheel and automatic transmission gear selector.

In its petition, CARS also asserts that by adopting a new FMVSS comparable to the European Union's, NHTSA would be meeting its goal of moving toward harmonization without jeopardizing the U.S. standard. The European Union has mandated that its model year (MY) 1999 vehicles must use some form of anti-theft technology. Some manufacturers have already developed and installed anti-theft devices which utilize specific ignition keys and sophisticated electronic control modules similar to that required by the European Union. The agency has also granted exemptions from parts marking under 49 CFR part 543 for models equipped with PASS-KEY and other anti-theft devices with computer chips imbedded in the ignition key.

The statutory basis for granting these exemptions under the vehicle theft law is a finding by the agency, on a case-by-case basis, that these systems are at least as effective as the parts-marking requirements of the theft prevention standard in reducing and deterring theft (49 U.S.C. 33106(b)). Part 543 does not specify how the anti-theft device is to perform or be designed. Instead, it requires a manufacturer applying for an exemption to provide information on how the device is activated and functions. The agency then uses the information provided about these functions to decide whether the system will be sufficiently effective in deterring theft to warrant an exemption from the parts-marking requirements of the Theft Prevention Standard.

It should be noted that by October 25, 1997, the Department of Transportation is required to provide a Report to Congress which will evaluate the effects of federal regulations on auto theft and comprehensive insurance premiums, and recommend what changes, if any, to these regulations are appropriate. Specifically, the Report to Congress will evaluate the effects of the Anti Car Theft Act of 1992 and the Motor Vehicle Theft Law Enforcement Act of 1984. This report will provide information on the efficacy of parts-marking and anti-theft devices. It will also recommend whether the Theft Prevention Standard should be continued without change, modified to cover more or fewer lines of passenger motor vehicles; modified to cover other classes of motor vehicles or to terminate the standard for all future motor vehicles. The notice seeking public review and comment on the report prior to its submission to Congress was published in the **Federal Register** on June 26, 1997 (See 62 FR 34494). The Department of Transportation and the Department of Justice are assessing the current theft prevention program to determine what, if any, changes are needed to further deter motor vehicle theft. Upon review of the public comments, recommendations for changes, if any, to the regulations will be considered.

The agency believes that the Theft Prevention Standard (49 CFR part 541), in conjunction with FMVSS No. 114 and Part 543, provides a comprehensive scheme for deterring motor vehicle theft. Until DOT and DOJ complete their assessment of the existing theft prevention program, it would be premature to promulgate any regulatory requirement under the vehicle safety law even if a way could be found to develop performance criteria rather than the design criteria suggested by the CARS petition.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the request by the petitioner would be amended at the conclusion of a rulemaking proceeding. Accordingly, it denies CARS' petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8

Issued on: October 9, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-27597 Filed 10-16-97; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice of Public Information Collection Submitted to OMB for Review

AGENCY: Surface Transportation Board, DOT.

ACTION: Reinstatement, without change of a previously approved collection for which approval has expired.

SUMMARY: The Surface Transportation Board has submitted to the Office of Management and Budget for review and approval the following proposal for collection of information as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. Chapter 35).

Title: Annual Report form R-1 Class I Railroads.

OMB Form Number: 2140-0009.

No. of Respondents: 10.

Total Burden Hours: 8,000.

DATES: Persons wishing to comment on this information collection should submit comments by November 17, 1997.

ADDRESSES: Direct all comments to Case Control, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423. When submitting comments refer to the OMB number and title of the information collection.

FOR FURTHER INFORMATION CONTACT:

Ward L. Ginn, Jr., 202 565-1533. Requests for copies of the information collection may be obtained by contacting Ellen R. Keys (202) 565-1675.

SUPPLEMENTARY INFORMATION: The Surface Transportation Board is, by statute, responsible for the economic regulation of surface transportation carriers operating in interstate and foreign commerce. The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995), which took effect on January 1, 1996 abolished the Interstate Commerce Commission and transferred the responsibility for regulating rail transportation. Annual reports are required to be filed by Class I railroads pursuant to authority in Sections 49 U.S.C. 11145, 11144 and 11901 of the Act. The Board will use this information to monitor industry growth, company financial stability, traffic, and facilitate informed decision making.

Vernon A. Williams,
Secretary.

[FR Doc. 97-27604 Filed 10-16-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33464]

Ashland Railway, Inc.—Acquisition and Operation Exemption—CSX Transportation, Inc.

Ashland Railway, Inc., a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate 25.85 route miles of rail line owned by the CSX Transportation, Inc. The track to be purchased, known as the Willard to Mansfield Line, extends from Mansfield, OH, milepost 61.07, to Willard, OH, milepost 86.92.

The transaction is expected to be consummated after the October 1, 1997 effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33464, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16602.

Decided: October 8, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-27601 Filed 10-16-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33489]

Georgia Northeastern Railroad Company, Inc.—Lease and Operation Exemption—Georgia Department of Transportation

Georgia Northeastern Railroad Company, Inc., a Class III rail common carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease from the Georgia Department of Transportation and operate three rail lines in the State of Georgia as follows: (i) From Valuation Station 20975+35 (milepost 382.47), at McCaysville, to Valuation Station 21726+83 (milepost 396.7), at Blue