

Because of the costs involved in re-engineering its trailers to accommodate a rear impact guard, Trinity has asked for an exemption of three years. The company presented cost estimates indicating that the costs to conform at the end of a three-year period would be \$637,720 with a corresponding increase in the price of its trailers of \$709 (estimate "based on 300 trailers built per year or 900 trailers"), as compared with a cost to conform of \$882,920 and a trailer price increase of \$2,943 at the end of a one-year exemption (estimate "based on 300 trailers built per year"). Trinity represents that an increase of this magnitude would effectively price its trailers out of the market. In the absence of an exemption, Trinity stated that it would be forced to close because the Eagle Bridge is its sole product. The company's net income for 1996 was only \$137,798, which represented a decline from 1995's net income of \$611,145. The company manufactured 263 trailers in the 12-month period preceding the filing of its application.

Trinity believes that it has made a good faith effort to meet Standard No. 224, saying that, prior to requesting its interpretation from NHTSA, "hundreds of hours were spent to find an automatically retracting rear impact guard," only to find that none are available in the United States. Its engineers have not been successful "in making a moveable guard or a moveable rear shaft and tail fins." The application contains the alternative means of compliance that have been examined, and sets forth the reasons for the rejection of each. It believes that it can achieve full compliance by the end of a three-year exemption period.

Trinity argues that an exemption would be in the public interest and consistent with traffic safety objectives because there is no history of injuries from motor vehicle accidents involving the rear conveyor belt system on its trailers. Further, "the possibility of injury to occupants of a vehicle impacting the rear of a Trinity trailer is minimal because of Trinity's wheels-back design." These trailers are used extensively by the agricultural industry in the Pacific Northwest, and the applicant estimates that "well over half of all potatoes harvested in the States of Idaho and Washington are hauled in Trinity trailers."

No comments were received on the application.

NHTSA has analyzed the economic and regulatory situation that confronts Trinity. Before receiving NHTSA's interpretation declining to exempt its kind of trailers from the application of Standard No. 224, Trinity appears to

have devoted considerable time looking for a solution to its compliance problem. If the company devoted its entire resources to achieving compliance at the end of a one-year period, it estimates that this would cost it \$882,920, and require a price increase of \$2,943 per trailer. This cost figure represents more than the total of its combined net income for 1995 and 1996. It is likely that an exemption of only one year might create cash-flow problems for Trinity. To recapture its costs as soon as possible, the company is of the view that it would have to raise the price of its trailers almost \$3,000, which would place it beyond the means of its customers. Thus, compliance may not be so much a problem of developing an engineering solution (which apparently is feasible within one year) as it is funding and implementing that solution in a financially realistic manner. The funds generated by three years of production will allow it to recapture its costs in an orderly manner, even though the estimated price of the trailer will still rise by \$709 at the end of the exemption period.

It is manifest that the public interest would not be served by denying Trinity an exemption, which the company avers would cause it to close, creating unemployment. The low volume of Trinity's production reduces the risk to safety of the trailers that will be produced under the exemption without a rear underride guard.

In consideration of the foregoing, it is hereby found that compliance with Standard No. 224 would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. It is further found that a temporary exemption would be in the public interest and consistent with the objectives of traffic safety. Accordingly, Trinity Trailer Mfg., Inc., is hereby granted NHTSA Temporary Exemption No. 98-2 from 49 CFR 571.224, Standard No. 224, *Rear Impact Protection*, expiring March 1, 2001.

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

Issued on April 1, 1998.

**Ricardo Martinez,**

*Administrator*

[FR Doc. 98-8966 Filed 4-3-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Notice No. 98-3]

#### Notice of Information Collection Approval

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of information collection approval

**SUMMARY:** This notice announces OMB approval of information collection requests (ICRs), for OMB No. 2137-0510, entitled Radioactive Materials (RAM) Transportation Requirements, and OMB No. 2137-0034, entitled Hazardous Materials Shipping Papers and Emergency Response Information (Former Title: Hazardous Materials Shipping Papers). These information collections have been extended until March 31, 2001.

**DATE:** The expiration date for these ICRs is March 31, 2001.

**ADDRESSES:** Requests for a copy of an information collection should be directed to Deborah Boothe, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** Deborah Boothe, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW, Washington, DC 20590-0001, Telephone (202) 366-8553.

**SUPPLEMENTARY INFORMATION:** Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(s)) and specify that no person is required to respond to an information collection unless it displays a valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, RSPA has received OMB approval of the following ICRs:

**Title:** Radioactive Materials (RAM) Transportation Requirements

**OMB Control Number:** 2137-0510

**Title:** Hazardous Materials Shipping Papers and Emergency Response Information

**OMB Control Number:** 2137-0034

These information collection approvals expire on March 31, 2001.

Issued in Washington, DC on April 1, 1998.

**Edward T. Mazzullo,**

Director, Office of Hazardous Materials  
Standards.

[FR Doc. 98-8948 Filed 4-3-98; 8:45 am]

BILLING CODE 4910-60-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33574]

#### The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant limited overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) between the following points: (1) Shawnee Junction, WY, in the vicinity of UP's milepost 271.4 (North Platte Subdivision) and Northport, NE, in the vicinity of UP's milepost 117.3 (North Platte Subdivision), a distance of approximately 154 miles (Shawnee Junction segment); (2) Fish Lake, WA, in the vicinity of UP's milepost 354.7 (Spokane Subdivision) and Attalia, WA, in the vicinity of UP's milepost 215.7 (Spokane Subdivision), a distance of approximately 139 miles (Fish Lake segment); and (3)(a) Lewisville, AR, in the vicinity of UP's milepost 390.3 (Pine Bluff Subdivision) and Big Sandy, TX, in the vicinity of UP's milepost 525.0, on the Pine Bluff Subdivision (milepost 112.95 Dallas Subdivision), and (b) Longview, TX, in the vicinity of UP's milepost 89.6, on the Dallas Subdivision (milepost 0.0 Palestine Subdivision) and Dallas, TX, in the vicinity of UP's milepost 214.6 (Dallas Subdivision), a distance of approximately 260 miles (Lewisville/Longview segment).<sup>1</sup>

The transaction is scheduled to be consummated on April 1, 1998, for the Shawnee Junction segment, on July 1, 1998, for the Fish Lake segment, and on June 15, 1998, for the Lewisville/Longview segment.

The purpose of the trackage rights is to allow BNSF to operate over an

alternate line while BNSF's line is undergoing maintenance and repair.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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 will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33574, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Yolanda M. Grimes, Esq., The Burlington Northern and Santa Fe Railway Company, P.O. Box 961039, Fort Worth, TX 76161-0039.

Decided: March 30, 1998.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-8850 Filed 4-3-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-493 (Sub-No. 7X)]

#### Track Tech, Inc.—Abandonment Exemption—in Adair and Union Counties, IA

On March 17, 1998, Track Tech, Inc. (Track Tech), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad between milepost 1.45 near Creston, IA, and milepost 21.15 at the end of the line in or near Greenfield, IA, which traverses U.S. Postal Service ZIP Codes 50801, 50848, and 50849, a distance of 19.70 miles, in Adair and Union Counties, IA.<sup>1</sup> The line includes the stations of

<sup>1</sup> Petitioner acquired this line from The Burlington Northern and Santa Fe Railway Company (BNSF) in June 1997. *Track Tech, Inc.—Acquisition and Operation—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33434 (STB served Sept. 12, 1997). Petitioner also acquired six other lines from BNSF in November 1996 and filed petitions for

Creston, located at milepost 1.45, Orient, located at milepost 12.2, and Greenfield, located at milepost 21.15.

The line does not contain federally granted rights-of-way.<sup>2</sup> Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 2, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by the filing fee, which currently is set at \$1,000. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 27, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-493 (Sub-No. 7X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) T. Scott Bannister, 1300 Des Moines Building, 405—Sixth Avenue, Des Moines, IA 50309.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

exemption to abandon these lines in STB Docket No. AB-493 (Sub-Nos. 1X, 2X, 3X, 4X, 5X, and 6X). The exemptions in Sub-Nos. 1X, 2X, and 5X were granted by decisions served on January 12, 1998. The exemptions in Sub-Nos. 3X, 4X, and 6X were granted by decisions served on February 24, 1998.

<sup>2</sup> Petitioner states that a title search in regard to land ownership is incomplete. Petitioner asserts that, based upon information in its possession, as well as in the possession of BNSF, it does not appear that the line contains any federally granted right-of-way.

<sup>1</sup> On March 24, 1998, BNSF and UP filed a petition for exemption in STB Finance Docket No. 33574 (Sub-No. 1), *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, wherein BNSF and UP request that the Board permit the overhead trackage rights arrangement described in the present proceeding to expire on July 15, 1998, for the Shawnee Junction segment, on September 1, 1998, for the Fish Lake segment, and on July 31, 1998, for the Lewisville/Longview segment. That petition will be addressed by the Board in a separate decision.