

Federal court or as otherwise provided under the Privacy Act (4 U.S.C. 552a).

Dated: July 2, 1998.

**Ernest R. Riutta,**

*Rear Admiral, U.S. Coast Guard, Assistant  
Commandant for Operations.*

[FR Doc. 98-18114 Filed 7-7-98; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3848; Notice 2]

#### **Beall Trailers of Washington, Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224**

This notice grants the application by Beall Trailers of Washington, Inc., of Kent, Washington, ("Beall"), a wholly-owned subsidiary of Beall Corporation, for a one-year temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*. The basis of the application was that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

Notice of receipt of the application was published on May 19, 1998, and an opportunity afforded for comment (63 FR 27618).

Beall manufactures and sells dump body trailers. It produced a total of 311 trailers in 1997, of which 124 were dump body types. Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including dump body types, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards*. In its application, Beall stated that "alterations may have to be made to the trailer chassis or even raising the dump box to provide space for the retractable guard," indicating that a guard that retracts when the dump body is in operation is the solution it is seeking in order to comply. According to Beall, the company has "placed significant resources (time and money) towards the design of an acceptable guard. We have involved Montana State University professors from their Mechanical Engineering department. We have conducted Finite Element Analysis and traditional methods of design arriving at a plastically deforming guard that meets the standard, for nonasphalt carrying applications." The deforming guard does not retract, thus cannot be used on dump body trailers. Beall believed that

its problem is similar to that experienced by other manufacturers manufacturing dump trailers. The company stated that "devices used in other countries do not meet FMVSS 224." It continues to study "hinged/retractable devices" but must overcome lack of space for a retracted device. The company said that it would strive to develop a device that would comply with Federal requirements while an exemption is in effect.

If an exemption is not granted, the company argued that substantial economic hardship will result. First, it would lose a trailer that accounts for 40 percent of its overall production. In addition, "some percentage of the remaining 60% would be lost since our customers typically purchase matching truck mounted dump bodies which may also be lost." Beall also believed that 31 of its 63 employees would have to be laid off if its application is denied. Maintenance of full employment would be in the public interest it argues. Beall's net income was \$39,317 in 1995 and \$72,213 in 1996. In the first 10 months of 1997, its net income before income taxes was \$697,040. If the application is denied, it foresees a net loss of \$71,445 for 1998.

No comments were received on the application.

NHTSA has analyzed the economic and regulatory situation that confronts Beall. The configuration of the company's dump trailer has presented it with an engineering problem that it was unable to resolve by the effective date of the standard, even though the company has studied devices used in other countries. Beall anticipates arriving at a solution within the year that its exemption would be in effect, and the company did not ask for the three full year exemption permitted under the hardship authority. Although a denial would not create an untenable economic situation, it would result in the company having a net loss for 1998. More ominously, a denial might also have the effect of eroding the market for the trailers that Beall could continue to produce "since our customers typically purchase matching truck mounted dump bodies."

NHTSA agrees that maintenance of full employment is in the public interest. The very low volume of the trailers that will be covered by an exemption limits the effect on 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, and that an exemption would be in the public interest and consistent with motor vehicle safety. Accordingly, Beall Trailers of Washington, Inc., is hereby granted NHTSA Temporary Exemption No. 98-5 from Federal Motor Vehicle Safety Standard No. 224 *Rear Impact Protection*, 49 CFR 571.224, expiring July 1, 1999.

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

Issued on: June 29, 1998.

**Ricardo Martinez,**

*Administrator.*

[FR Doc. 98-18095 Filed 7-7-98; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-545]

#### **South Orient Railroad Company, Ltd.— Abandonment and Discontinuance of Trackage Rights—Between San Angelo and Presidio, TX**

On June 18, 1998, the South Orient Railroad Company, Ltd. (SORC), filed an application with the Surface Transportation Board (Board) for permission to abandon its San Angelo-Presidio Line extending from milepost 722 near Mertzon station south of San Angelo to approximately milepost 945.3 at Alpine Junction and from approximately milepost 956.7 at Paisano Junction to the end of the line at milepost 1029.1 on the International Bridge near Presidio, a distance of approximately 296.4 miles;<sup>1</sup> and to discontinue its trackage rights over the Union Pacific Railroad Company's line extending from approximately milepost 945.3 at Alpine Junction to approximately milepost 956.7 at Paisano Junction, a distance of 11.4 miles, for a total distance of approximately 307 miles in Brewster, Crane, Crockett, Irion, Pecos, Presidio, Reagan, Tom Green, and Upton Counties, TX. The line includes the stations of Mertzon, milepost 745.7; Barnhart, milepost 771.6; Big Lake, milepost 790.6; Rankin, milepost 819.9; McCamey, milepost 838.6; Baldridge, milepost 863.8; Sulphur Jct., milepost 869.4; Fort Stockton, milepost 881.7; Belding, milepost 892.9; Hovey, milepost 917.2; Alpine, milepost 944.3; Alpine Jct., milepost 945.6; Paisano Jct., milepost 956.7; Paisano, milepost 956.9; Tinaja, milepost 969.3; Plata, milepost 993.7;

<sup>1</sup> The line also includes an additional 14.4 miles of side track.

Casa Piedra, milepost 1002.9; and Presidio, milepost 1026.7, and traverses through United States Postal Service ZIP Codes 76903, 76666, 76930, 76932, 79778, 76752, 79735, 79830, 79832, and 79845.

The line does not contain federally granted rights-of-way. Any documentation in SORC's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment and discontinuance was filed with the application.

This line of railroad has been included in SORC's system narrative description in Category 1 since April 17, 1998.

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

Any interested person may file with the Board written comments concerning the proposed abandonment and discontinuance or protests (including the protestant's entire opposition case), by August 3, 1998. All interested persons should be aware that following any 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 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by August 3, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27). The applicant's reply to any opposition statements and its response to trail use requests must be filed by August 17, 1998. See 49 CFR 1152.26(a).

Persons opposing the proposed abandonment and discontinuance that wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment and discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide:

(i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);

(ii) Recommended provisions for protection of the interests of employees;

(iii) A request for a public use condition under 49 U.S.C. 10905; and

(iv) A statement pertaining to prospective use of the right-of way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB-545 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) Christopher E. V. Quinn, Oppenheimer Wolff & Donnelly (Illinois), Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601-6710. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment and discontinuance proceeding. 49 CFR 1104.12(a).

The lines sought to be abandoned and discontinued will be available for subsidy or sale for continued rail use if the Board decides to permit the abandonment and discontinuance in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is set forth above.

Persons seeking further information concerning the abandonment and discontinuance 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.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings

normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 30, 1998.

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 98-17942 Filed 7-7-98; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request For Form 12040

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 12040, Order Blank for Charities Conducting Fund Raising Events.

**DATES:** Written comments should be received on or before September 8, 1998, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

**Title:** Order Blank for Charities Conducting Fund Raising Events.

**OMB Number:** 1545-1609.

**Form Number:** Form 12040.

**Abstract:** Form 12040 is used by charitable organizations to order forms