

Generally, **Federal Register** concerning each collection of information. Comments on the information collections proposed in this notice will be considered by the FHWA in its request for long-term approval. With respect to the collections of information described below, the FHWA invites comments on: (1) Whether the proposed information collections are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the FHWA's estimate of the burden of the proposed information collections, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; (4) ways to minimize the burden of these information collections upon those who are to respond, including the use of automated collection techniques, and other forms of information collections technology.

The title used to identify the information collections proposed in this notice and submitted for OMB's approval is "Motor Carrier Regulatory Relief and Safety Demonstration Project."

This **Federal Register** notice proposes a voluntary pilot Project. In return for receiving exemptions from certain requirements of the FMCSRs, each Project motor carrier would be required to develop and/or furnish certain information about its operations. It is anticipated that the initial application will require about one-half hour to complete. This document is necessary to identify those motor carriers that believe they are eligible to participate in the Project, and to indicate their desire to participate in the Project. The Safety Control Plan, outlining the safety management measures the motor carrier would have in place to ensure that it would achieve the appropriate level of operational safety during the Project, would require approximately one and one-half hours to prepare. This document would be subject to examination by the FHWA, and would be used to assist the FHWA in ensuring that Project participants did not neglect those aspects of motor carrier safety which are normally addressed by the regulations from which they are temporarily exempt. The Safety Control Plan would require approximately one and one-half hours to prepare. Further, participating motor carriers would be required to submit to the FHWA the name, driver's license number, and date of employment of each participating driver. The motor carrier would also be required to advise the FHWA

immediately of any changes in this information. These collections and submissions of information are necessary in order to effectively grant Project exemption to identifiable operators of CMVs and to permit the performance of each to be monitored and evaluated. It is estimated that the reporting and recordkeeping burden for these items would be one hour.

It is also proposed that each accident involving Project drivers and/or Project vehicles would be reported to the FHWA as it occurs (within 10 or 30 business days, depending upon severity). Each Project motor carrier would also calculate and submit its accident rate per million VMT on a semi-annual basis, and advise the FHWA if that rate exceeds 0.5. This information is necessary in order to identify those motor carriers whose safety performance is declining during the Project and would also be used to assist in comparing the performance of the exempt motor carriers with the performance of those which remain subject to the FMCSRs. The annual reporting and recordkeeping burden for this information collection is estimated to be one-half hour.

The most likely respondents to this information collection will be motor carriers operating CMVs with a GVWR between 10,001 pounds and 26,000 pounds, operated in interstate commerce, have a satisfactory safety rating or is not rated, and have an accident rate less than 0.5 per million VMT. The approximate number of motor carriers currently eligible to participate in the Project is 33,000. Therefore, it is estimated that the total annual reporting and recordkeeping burden will be 275 hours.

XIII. Conclusion

The FHWA welcomes comment on any and all aspects of these proposed changes to the Project from all interested parties. Upon review of public comment, the FHWA intends to modify the project, authorize qualified motor carrier participation, and publish a supplemental notice of final determination.

(49 U.S.C. 31136 and 31141; 49 CFR 1.48)

Issued on: July 7, 1998.

Kenneth R. Wykle,

Federal Highway Administrator.

[FR Doc. 98-18539 Filed 7-10-98; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3983]

Mercedes-Benz of North America, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Mercedes-Benz of North America, Inc. (Mercedes-Benz) of Montvale, New Jersey has determined that some 1998 Mercedes-Benz M-class vehicles fail to comply with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire selection and rims for vehicles other than passenger cars," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and noncompliance reports." Mercedes-Benz has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

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

The purpose of FMVSS No. 120 is to provide safe operation of vehicles by ensuring that those vehicles are equipped with tires of appropriate size and load rating; and rims of appropriate size and type designation. Paragraph S5.3, Label information, of FMVSS No. 120 states that each vehicle shall show the appropriate tire information (such as: recommended cold inflation pressure) and rim information (such as: size and type designations) in the English language. This information must appear either on the certification label or a tire information label, lettered in block capitals and numerals not less than 2.4 millimeters high, and in the prescribed format. In addition, FMVSS No. 120 requires that the label be affixed to the hinge pillar, the door-latch post, the door edge that meets the latch post, or next to the driver's seating position. If these locations are impractical, the label shall be affixed to the inward-facing surface of the door next to the driver's seating position. However, if all of the preceding locations are not practical, the manufacturer can notified, in writing, NHTSA and request approval for an alternate location in the same general location.

Mercedes-Benz states that 35,357 vehicles were produced from the beginning of production in January 1997 through April 13, 1998 that do not meet the labeling requirements stated in the

FMVSS No. 120. Mercedes-Benz equipped the vehicles with tire information labels that specify the tire size, rim size, and cold inflation pressure on the fuel filler door. The information is formatted differently than as required by the FMVSS No. 120. The size of the letters and numerals are less than the required minimum of 2.4 millimeters.

Mercedes-Benz supports its application for inconsequential noncompliance with the following statements:

1. With regards to the content of the label, all the information required by the FMVSS No. 120 is contained in the label including, recommended tires size, rim size, and cold inflation pressure.

2. Although the height of the labeling is less than the required minimum of 2.4 mm, the letters in the labels are of sufficient size and color to be easily read.

3. With regards to the labeling format, Mercedes-Benz believes that placing the English units before the metric units is not a noncompliance that affects vehicle safety, because consumers in the U.S. are generally more familiar with English units of measurement than metric units.

4. Regarding the location of the tire information label, Mercedes-Benz believes that consumers interested in checking their tire pressure labels would likely perform this check at gas stations, convenience stores, or auto repair facilities. In some cases, this label's location serves as a reminder to check the tire pressure.

5. Based on the convenient location of the tire information label, the reference information in the owner's manual, and the maximum inflation pressure marked on the tire, Mercedes-Benz believes that the tire information label on the fuel filler door is an inconsequential noncompliance.

Interested persons are invited to submit written data, views, and arguments on the application of Mercedes-Benz described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, 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 possible. 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: August 12, 1998.

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

Issued on: July 7, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-18537 Filed 7-10-98; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-548]

Tacoma Eastern Railway Company—Adverse Discontinuance of Operations Application—A Line of City of Tacoma, in Pierce, Thurston and Lewis Counties, WA

On June 23, 1998, the City of Tacoma, WA (City) filed an application under 49 U.S.C. 10903 requesting that the Surface Transportation Board (Board) find that the public convenience and necessity require and permit the discontinuance of the operations by Tacoma Eastern Railway Company (TE)¹ on 131.5 miles of City rail line in Pierce, Thurston, and Lewis Counties, WA: (1) between milepost 2192.0, at Tacoma, and milepost 17.7, at Chehalis; and (2) between milepost 2192.0, at Tacoma, and milepost 64.2, at Morton.² The line traverses United States Postal Service ZIP Codes 98235, 98304, 98328, 98330, 98338, 98344, 98355, 98356, 98371, 98373-98375, 98387, 98401-98405, 98408, 98421, 98424, 98443-98446, 98501, 98531, 98532 and 98576.

City states that it has terminated the contract pursuant to which TE has been operating on the line because TE has not satisfactorily performed its obligations under the contract.³

The line does not contain federally granted rights-of-way. Any documentation in City's possession will be made available promptly to those requesting it. City's entire case for

¹ TE was authorized to operate the line by lease in *Tacoma Eastern Railway Co.—Lease and Operation Exemption—City of Tacoma, Washington*, Finance Docket No. 32591 (ICC served Nov. 3, 1994).

² A discontinuance of a railroad's service sought by a party other than the railroad is called an "adverse" discontinuance.

³ Once City receives Board approval, it intends to replace TE with the Belt Line Division of the City of Tacoma Department of Public Utilities (Belt Line). Beltline will file a notice of exemption pursuant to 49 CFR 1150.31 to enable it to commence operations without any interruption in service to shippers on the line.

discontinuance of service was filed with the application.

In addition, City has petitioned the Board to waive certain provisions of 49 CFR 1152.22 on the grounds that the information required by these provisions is not relevant to the merits of the application or is not available to the City because of the circumstances of the application. Requests for waivers are typically filed before the application drawn in reliance on those waivers is filed. By filing its application contemporaneously with the waivers, City has run the risk that the waivers will be denied in whole or part and City will have wasted time and effort in filing an application based on them. But, as City is no doubt aware, grants of waiver petitions in applications filed by third parties are customary. The waiver request as to information to be contained in the application will be granted in a separate decision to be served concurrently with this notice.

In an application by a third party for a determination that the public convenience and necessity permits a line to be discontinued or abandoned, the issue before the Board is whether the public interest requires that the line in question be retained as part of the national rail system. By granting a third party application, the Board withdraws its primary jurisdiction over the line. Questions of the disposition of the line, including the adjudication of various claims of ownership or other rights and obligations, are then left to state or local authorities; *Kansas City Pub. Ser. Frgt. Operation-Exempt.—Aban.*, 7 I.C.C.2d 216 (1990).

The interest of railroad employees will be protected by the conditions 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 adverse discontinuance or protests (including the protestant's entire opposition case), by August 7, 1998. Because this discontinuance of service is the functional equivalent of a discontinuance of trackage rights rather than an abandonment, trail use/rail banking and public use requests are not appropriate. Likewise, no environmental or historical documents are required here under 49 CFR 1105.6(c)(6) and 1105.8(b)(3).

Persons opposing the proposed adverse discontinuance who wish to participate actively and fully in the process should file a protest by August 7, 1998. Persons who may oppose the discontinuance but who do not wish to participate fully in the process by submitting verified statements of