

airbag systems. Panoz describes these steps in some detail and estimates that between May 1995 and August 1997 it spent 2200 man-hours and \$66,000 on these efforts. In the same time period, it spent \$47,000 in static and dynamic crash testing of a 4.6L car related to airbag system development. Panoz concludes by describing the additional modifications and testing required to adapt the Ford system to its car. These costs total \$358,000. A two-year renewal of its exemption would provide sufficient time to generate sufficient income (approximately \$15,000 a month through sales of vehicles and private funding) to fund the modifications and testing.

Panoz sold 13 cars in 1993 and 13 more in 1994. It did not state its sales in 1995. Because of the effort needed to meet Federal emission and safety requirements, Panoz did not build any 1996 model year vehicles. It reports sales of 23 model year 1997 vehicles in the 12 months preceding its application for second renewal. At the time of its original petition, Panoz's cumulative net losses since incorporation in 1989 were \$1,265,176. It lost an additional \$249,478 in 1993, \$169,713 in 1994, \$721,282 in 1995, and \$1,349,241 in 1996.

The applicant reiterated its original arguments that an exemption would be in the public interest and consistent with the objectives of traffic safety. Specifically, the Roadster is built in the United States and uses 100 percent U.S. components, bought from Ford and approximately 80 other companies. It provides employment for 45 full time and three part time employees. The Roadster is said to provide the public with a classic alternative to current production vehicles. It is the only vehicle that incorporates "molded aluminum body panels for the entire car", a process which continues to be evaluated by other manufacturers and which "results in the reduction of overall vehicle weight, improved fuel efficiency, shortened tooling lead times, and increased body strength." With the exception of S4.1.4 of Standard No. 208, the Roadster meets all other Federal motor vehicle safety standards including the 1997 side impact provisions of Standard No. 214.

No comments were received on the application.

It is unusual for an applicant to request a second renewal of a temporary exemption. By the time the original exemption, or its extension, has expired, an applicant has either been able to bring the exempted vehicle into compliance or it has withdrawn from the market. The statute imposes no

limitations on the number of renewals of temporary exemptions that may be granted, leaving the matter to the discretion of the Administrator in his findings. In this regard, NHTSA notes that Panoz has continually applied for two-year exemptions (rather than the three years it is entitled to under the hardship procedures), and that had it applied for three-year exemptions, its first renewal would be expiring at approximately the same time that its second renewal will.

The hardship factors that led to the initial grant and initial renewal of the exemption from S4.1.4 of Standard No. 208 remain. Production remains only a handful of vehicles, approximately 23 being manufactured under the extension to the original exemption. Panoz continues to manifest net losses in its income statements. Design and engineering difficulties continue because of the necessity to accommodate an engine not of its own manufacture. The same public interest and safety factors continue as well, including 100 per cent use of motor vehicle equipment manufactured in the United States, and employment for 45 full time and three part time employees.

In consideration of the foregoing, it is hereby found that to require immediate compliance with S4.1.5 (the now-appropriate paragraph) of Standard No. 208 would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with Standard No. 208, and that a temporary exemption would be in the public interest and motor vehicle safety. Accordingly, Panoz Auto Development Company is hereby granted an extension of NHTSA Exemption No. 93-5 from S4.1.5 of 49 CFR 571.208 Standard No. 208 *Occupant Crash Protection*, expiring March 1, 2000.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Dated: April 1, 1998.

Ricardo Martinez,

Administrator.

[FR Doc. 98-8967 Filed 4-3-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3306; Notice 2]

Trinity Trailer Mfg., Inc.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the application by Trinity Trailer Mfg., Inc. (formerly Farm Bed Mfg., Inc.), of Boise, Idaho, for a three-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 in the **Federal Register** on January 15, 1998 (63 FR 2446).

Trinity Trailer ("Trinity") manufactures and sells the "Eagle Bridge," a self-unloading bulk trailer that has small conveyor belts at the lower rear of the trailer to unload potatoes and other agricultural products. The rear shaft mount for the conveyor belt protrudes 24 inches to the rear of the trailer so that cargo can drop onto another conveyor belt that is located at the unloading site. Because Standard No. 224 excludes a "special purpose vehicle," Trinity had asked NHTSA on June 28, 1996, for an interpretation that the Eagle Bridge qualified for exclusion as a special purpose vehicle because the trailer was manufactured with "work-performing equipment."

On August 22, 1997, NHTSA replied that the Eagle Bridge was not excluded. Paragraph S4 of Standard No. 224 defines a special purpose vehicle as a trailer or semi-trailer having work-performing equipment * * * that, *while the vehicle is in transit*, resides in or moves through the area that could be occupied by the horizontal member of the rear underride guard * * *.

(Emphasis added). As NHTSA wrote the applicant,

[t]he small conveyor belt of the Eagle Bridge at no time passes through the area where the horizontal member of the rear underride guard would be located, and it certainly does not do so while the vehicle is in transit.

Trinity received NHTSA's interpretation approximately seven months before the date for compliance. Standard No. 224 required, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more be fitted with a rear impact guard that conforms to Standard No. 223, Rear impact guards.

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

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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.