

collection of information to OMB for approval, it must first 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 regulation 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;

(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 for public comments on the following proposed collections of information:

(1) *Title:* 23 CFR Parts 1210 for Certification Requirements for State Laws Concerning Intoxicated Minor Age Drivers.

*OMB Control Number:* 2127-0582.

*Affected Public:* State Government.

*Abstract:* The National Highway System Designation (NHS) Act of 1995, Pub. L. 104-59, was signed into law on November 28, 1995. Section 320 of the Act established a new section 161 of Title 23, United States Code (Section 161), which requires the withholding of certain Federal-aid highway funds from States that do not enact and enforce "zero tolerance" laws. States must certify that they comply with section 161 which provides that these "zero tolerance" laws must consider an individual under the age of 21 who has a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle in the State, to be driving while intoxicated or driving under the influence of alcohol.

The requirements in the final rule (issued October 25, 1996), that States certify that they conform to the statutory requirements to avoid the withholding of Federal-aid highway funds, are considered to be information collection requirements as that term is defined by

the Office of Management and Budget (OMB) in 5 CFR part 1320. The annual burden in FY 1999 and beyond is expected to be very low (probably zero hours) since the one-time reporting and recordkeeping requirements associated with this rule were already met by all States prior to the October 1, 1998, deadline for withholding funds. However, in the future, a State must meet these reporting requirements again if the State's zero tolerance law changes. Therefore, the Agency is now requesting comments on an extension of these reporting and recordkeeping requirements in order to keep them in effect beyond September 30, 1999, the current expiration date.

*Estimated Annual Burden:* 0 hours (if no State law changes) to 52 hours (maximum burden if all State laws change).

*Number of Respondents:* 52.

**Adele Derby,**

*Associate Administrator for State and Community Services.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 99-5476; Notice 1]

#### Electric Vehicles International; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121

We are asking comments from the public on the application by Electric Vehicles International LLC ("EVI") of Anderson, Indiana, to be exempted from portions of Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. The statutory basis for this request is that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 U.S.C. 30113.

We are publishing this notice of receipt of the application in accordance with our regulations on temporary exemptions. This action does not represent any judgment by us about the merits of the application.

The discussion below is based on information that EVI provided in its application.

#### Why EVI Needs an Exemption

EVI is requesting an exemption for three years. In August 1997, EVI was organized as a corporation, acquiring some of the assets of Specialty Vehicle Mfg. Corp. of California, a manufacturer of buses and trolleys for use in transit

and shuttle service. EVI's goal is to turn the operation into "a first class bus company." It estimated its projected start-up costs at \$4,000,000, and has raised \$3,000,000 through a private placement offering.

Effective with vehicles manufactured on or after March 1, 1998, S5.1.6.1(a) of Standard No. 121 requires each single unit vehicle including buses to be equipped with an antilock brake system. EVI's product line consists of battery-powered and hybrid electric buses and trolleys, primarily used by transit agencies. Presently, it produces Generation III buses and trolleys. These vehicles are rated at 18,000 to 22,000 GVW, "so they do not fall in either the light vehicle or heavy vehicle class." It knows "from experience working with axle suppliers that it would take a minimum of 18-24 months to receive a prototype axle with antilock brakes." After receiving the prototype system, it would have to review for further design changes necessary to install on future vehicles.

#### Why Compliance Would Cause EVI Substantial Economic Hardship

To design, develop, and test an antilock brake system for a production rate of 50 to 300 vehicles per year would create a substantial increase in the price of the buses and trolleys that EVI intends to manufacture. If EVI is unable to obtain an exemption, it would have to "cease production and close the company." Its net loss for the 5 months it was in existence in 1997 was \$437,900, increasing to \$1,632,800 for the 12 months of 1998. The company had manufactured two vehicles as of the end of January 1998.

#### How EVI Has Tried in Good Faith to Comply With Standard No. 121

EVI's buses use an air-over-hydraulic brake system. The company has searched the industry to find an antilock brake system for vehicles defined as "medium duty vehicles." To date, it has been unable to find any manufacturer that has a system available to meet its braking requirements. Attachment 3 to EVI's application lists 19 manufacturers and suppliers that it contacted in its attempt to comply with the antilock brake system requirements in Standard No. 121.

#### Why an Exemption for EVI Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

The City of Anderson is assisting EVI financially with additional capital with the stipulation that EVI hire "at least

51% low and moderate income persons by creating jobs." EVI will offer prospective assembly positions extensive training in conjunction with the County's job training and partnership administration.

EVI enclosed data purporting to show that the total service and emergency brake stopping distance of its bus already comply with the maximum stopping distances specified in Table II of Standard No. 121, and will be unaffected by an exemption.

#### **How To Comment on EVI's Application**

We invite written comments on EVI's application. Please send them in two copies, referring to the docket and notice number, to: Docket Management, National Highway Traffic Safety Administration, room PL-401, 400 Seventh Street, SW, Washington, DC 20590. We shall consider all comments received before the close of business on the comment closing date below. Comments will be available for examination in the docket at the above address both before and after that date, between the hours of 10 a.m. and 5 p.m.

To the extent possible, we will also consider comments filed after the closing date. When the Administrator has made a decision, we shall publish it in the **Federal Register**.

Comment closing date: May 12, 1999.

**Authority:** 49 U.S.C. 30113; delegations of authority at 49 CFR 1.50 and 501.4.

Issued on: April 6, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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