

incidents, and to save lives from cold weather.

The FHWA believes no other Federal rules exist for alcohol and controlled substances testing of Canadian electric utility motor carriers responding to New England Mutual Assistance roster members. The FHWA is aware of Nuclear Regulatory Commission (NRC) and Department of Energy (DOE) testing requirements for alcohol and controlled substances, but believes these are limited to nuclear power plants and DOE installations in the United States. The FHWA believes the four named Canadian electric utility motor carriers would not be required by the NRC or DOE to require alcohol and controlled substances testing to restore electric power to United States customers. The FHWA would like information from New England Mutual Assistance Roster members whether NRC or DOE have regulations requiring such testing.

Based upon this IFA evaluation, the FHWA believes any impact upon these small entities is highly unlikely. Furthermore, the FHWA notes the Omnibus Act mandates alcohol and controlled substances testing and the CMVSA mandates the waiver authority irrespective of the size of the entities.

For the reasons in the IFA above, the FHWA initially certifies this action would not have a significant economic impact on a substantial number of small entities. The FHWA will conduct a final flexibility analysis based upon any comments to the docket.

This proposed waiver has been analyzed in accordance with the principles and criteria contained in the Unfunded Mandates Reform Act of 1995 (the Unfunded Mandates Act) (Pub. L. 104-4, 109 Stat. 48). The FHWA has determined this action does not have sufficient unfunded mandate implications to warrant the preparation of an unfunded mandate assessment.

The amendments made by this proposed waiver would not have a substantial direct effect on States, nor on the relationship or distribution of power between the national government and the States because these changes proposed here do little to limit the policy making discretion of the States.

The waiver is not intended to preempt any State law or State regulation. Moreover, the changes made by this waiver would impose no additional cost or burden upon any State. Nor would the waiver have a significant effect upon the ability of the States to discharge traditional State governmental functions.

For purposes of section 202 of the Unfunded Mandates Act, the waiver of alcohol and controlled substances

testing requirements would not impose a burden greater than \$100 million.

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*, the FHWA estimates this proposal would have an annual burden savings of about \$21,000. The FHWA, therefore, is not required to prepare a separate unfunded mandate assessment for this proposed waiver.

The information collection requirements associated with compliance by Canadian motor carriers and drivers with part 382 was included in the information collection budget approval request approved on September 22, 1997, by the Office of Management and Budget (OMB) under the PRA and has been assigned OMB control number 2125-0543, approved through September 30, 2000.

The FHWA estimates four Canadian electric utility motor carriers would send no more than 100 drivers to the United States for an emergency relief effort. The FHWA estimates these four Canadian electric utility motor carriers have a few thousand drivers each since they are monopolies in the areas they serve, but would only send a couple dozen drivers to an emergency in the United States.

The FHWA has calculated the information collection burden on these carriers in complying with part 382 based upon figures submitted and approved by the OMB in 1997. See Docket No. FHWA-1997-2313-7. The four motor carriers would share an estimated information collection start-up cost of \$US 10,000 (excluding laboratory set-up costs) and an estimated recurring annual cost of \$US 21,000 and 240 hours of time. The FHWA excluded laboratory start-up information collection costs because the approximately 70 laboratories across the United States and Canada able to perform the analysis of urine specimens have been in operation for at least one year and have incurred the start-up costs in prior years. The Canadian motor carriers would not incur the laboratory's start-up costs. The FHWA has calculated into the figure, though, the information collection cost of setting up contracts with the laboratories to conduct the testing.

The FHWA has included revised spreadsheets for these calculations in this docket for review. Refer to the docket number appearing at the top of this document.

If the FHWA grants this waiver, the FHWA will submit a request to the OMB, on a Form OMB-83C, to reduce the information collection burden by these amounts, or revised amounts based upon comments to this docket.

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

**Authority:** 49 U.S.C. 31301 *et seq.*; and 49 CFR 1.48.

Issued on: March 4, 1998.

**Kenneth R. Wykle,**

*Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-98-3420]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

The proposed information for which OMB approval is being sought pertains to the content of petitions for exemption from the minimum driving range requirement for dual fuel electric passenger automobiles. This may be necessary for a manufacturer to secure a favorable corporate average fuel economy (CAFE) calculation.

**DATES:** Comments must be received on or before May 11, 1998.

**ADDRESSES:** Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted to U.S. Department of Transportation, Docket Management, PL-401, 400 Seventh Street, Southwest, Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Control Number. It is requested, but not required, that one original plus two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Complete copies of each request for collection of information may be obtained at no charge from Mr. Michael Robinson, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, Southwest, Room 5110, NAD-52, Washington, D.C. 20590. Mr. Robinson's telephone number is (202) 366-9456. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed 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; and
- (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 collection of information:

**Title 49, United States Code, Chapter 329**

**Background**

A manufacturer of a dual fueled electric passenger automobile may enjoy a favorable calculation of its corporate average fuel economy (CAFE), provided it can meet certain minimum driving range requirements that are established by NHTSA and shall be based on the Environmental Protection Agency's urban and highway fuel economies as determined for average fuel economy purposes for those vehicles. The

minimum driving range that is established, must be accomplished when operating on the alternative fuel only (49 U.S.C. 32901(c)).

49 U.S.C. 32901 (c)(2)(A) states that "The Secretary may prescribe a lower minimum driving range for a specific model than that prescribed under paragraph (1) of this subsection." It further states that "A manufacturer may petition for a lower range than prescribed under paragraph (1) for a specific model."

In order to ascertain whether an exemption should be granted and a lower minimum driving range should be established for a specific model, the Secretary shall consider such items as consumer acceptability, economic practicability, available technology, environmental impact, safety, drivability, performance, and any other factors the Secretary considers relevant. Ref. (49 U.S.C. 32901 (c)(3)).

*Type of Request:* Reinstatement of clearance.

*OMB Clearance Number:* 2127-0554.

*Form Number:* This collection of information uses no standard form, however, it allows for a manufacturer to petition the agency for an exemption from the established minimum driving range for dual fueled electric passenger automobiles when operating on electricity only. Certain prescribed information is requested to be included that will enable the agency to make a determination whether to grant an exemption or not and aid in the assigning a lower minimum driving range.

*Requested Expiration Date of Approval:* March 1, 2001.

*Description of the Need for and Proposed Use of the Information:* This information will be used by NHTSA to determine whether manufacturers are complying with certain provisions of the applicable statutes (Alternative Motor Fuels Act of 1988, and Average Fuel Economy Standards). It will also allow the agency to evaluate the overall vehicle design in terms of environmental impact, safety, performance, and other factors that might justify the granting of an exemption.

*Description of Likely Respondents:* Based on responses from other notices such as the Advance Notice of Proposed Rulemaking (ANPRM) and the Notice of Proposed Rulemaking (NPRM), it is anticipated that there would be fewer than 10 passenger car manufacturers that would seek such an exemption over a three year period. There is a possibility that some of these manufacturers would be small businesses (i.e., ones that employ less

than 500 persons) and may not have access to some of the latest technology needed to meet the minimum driving range on electricity only. These small businesses that might be adversely affected could also be eligible for an exemption under the low volume criteria. The frequency of the petitioning burden would then be market driven. The others would be large volume manufacturers seeking to improve their CAFE.

*Estimate of Total Annual Reporting and Record Keeping Burden Resulting From the Collection of Information:* NHTSA estimates from previous information collection that the vehicle manufacturers will incur a total annual reporting and recordkeeping burden of less than two hundred sixty six hours (266 hr.). This is based on an estimate of no more than 80 hr. to prepare the petition, spread between ten (10) manufacturers, over a three year period.

Issued on: March 4, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Docket No. AB-167 (Sub-No. 1182X)]

**Consolidated Rail Corporation—  
Abandonment Exemption—in Indiana  
County, PA**

Consolidated Rail Corporation (Conrail) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 11.80 mile portion of the Blairsville Secondary Track between milepost 5.70± and milepost 17.50±, in Indiana County, PA. The line traverses United States Postal Service Zip Codes 15716, 15717, 15750 and 15748.

Conrail has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12