opposed granting the renewal, and two commenters supported it.

Timpte Trailer Co. of David City, Nebraska, identified itself as a manufacturer of bulk commodity trailers ''with the same limited engineering resources'' as Red River, and opposed granting Red River's request. Timpte related that it was able to design a ''live bottom'' trailer with a telescoping rear underride protection system ''which complied with FMVSS 224 on its original effective date.'' However, this added to the trailer's weight and cost, and Timpte says that the exemptions granted Red River and two other ''live bottom'' manufacturers placed Timpte at an unfair competitive advantage. As a consequence, it had to suspend production of its ''live bottom'' trailer and release approximately 20 percent of its workforce. Timpte argues that Red River has had adequate time to comply with the underride requirement, and that Timpte's system proves that this type of trailer can be equipped with a workable rear underride protection system that meets Federal requirements. It ''strongly objects'' to extending Red River's exemption.

E.D. Entyre & Co. of Oregon, Illinois, filed a similar comment in opposition. It designed a ''live bottom'' trailer with a retractable rear underride guard which it introduced in August 1998. The total engineering and test time spent on this retractable design ''was approximately two man months and the mechanism has a manufacturing cost of approximately $500.'' The company believes that the extension should be denied ''since a solution has been shown to be technically feasible,'' and complying companies have been placed at a competitive disadvantage.

Red River's application was supported by Dan Hill & Associates, Inc., which has been producing ''live bottom'' trailers pursuant to a temporary exemption we gave it in 1998, and Robert J. Crail, Transportation Engineering Consultant. Dan Hill states that it and Red River have dominated the horizontal flow discharge trailer market for the last few decades. In view of this experience, and understanding that Entyre has produced less than 20 complying ''live bottom'' trailers, Dan Hill comments that ''Entyre's lack of experience in the horizontal discharge market [may have] erroneously lead Entyre to believe that it has successfully complied with a very complex issue.'' In any event, Dan Hill further comments that Entyre is a far larger company than it and Red River, with ''considerably more resources to allocate to research and development.'' With respect to Timpte, Dan Hill comments that Timpte does not manufacture a horizontal discharge trailer for the road construction industry and thus does not have the problems associated with the asphalt paver/trailer interface.

Mr. Crail reiterates his previous support of Red River. He has examined one of its trailers and is convinced ''that it will take at least an additional three years for Red River to determine whether it is feasible to manufacture an impact guard for these trailers.'' He believes that the impact of an exemption upon safety will be minimal, given the small number of trailers that would be covered by an exemption and the fact that ''the Live Bottom trailers are used mostly off roads.''

## Our Findings and Decision

In granting a temporary exemption, we must find that a manufacturer has made a good faith effort to comply with the standard from which it has requested exemption. While the fact that another manufacturer may have achieved compliance indicates that a particular technological problem is not insoluble, it does not mean that a petitioner has failed to make a good faith compliance effort. It does indicate, however, that, during the period of any renewed exemption, a petitioner should carefully examine these solutions for applicability to its own product. The fact that Timpte and Entyre have commented that their ''live bottom'' trailers comply with Standard No. 224 should alert Red River that an alternative may exist to the prototype design that it began testing in May 1998 and which has disclosed a number of problems. We note that Red River's principal competitor, Dan Hill & Associates, Inc., believes that it will have a complying ''swing-in'' guard by February 1, 2001. For these reasons, we do not believe that Red River has sustained its request for an exemption for a period as long as April 1, 2002, and we are providing one commensurate with the extension granted Dan Hill, until February 1, 2001.

In the absence of extending the exemption, it appears that Red River could not produce trailers that have accounted for over 50 percent of its net sales, with the accompanying dislocation of its work force that this would entail. Given the apparent minimal risk to safety presented by a trailer that spends comparatively little of its life being operated on the public roads (construction trailers) and in which the rear tires can act as a buffer in the absence of an impact guard (agricultural trailer), and the public interest in maintaining full employment, Red River has met its burdens under the statutory procedures.

Accordingly, for the reasons set forth above, we hereby find that compliance with Standard No. 224 would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with Standard No. 224, and that an exemption would be in the public interest and consistent with the objectives of traffic safety. NHTSA Temporary Exemption No. 98–3 from Federal Motor Vehicle Safety Standard No. 224, *Rear Impact Protection*, applicable to horizontal discharge trailers, is hereby extended to expire on February 1, 2001. That date is slightly more than five years after Standard No. 224 was issued, and NHTSA does not anticipate providing further extensions of exemptions from compliance with Standard No. 224.

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

Issued on: September 1, 1999.

**Ricardo Martinez,**

*Administrator.*

[FR Doc. 99–23428 Filed 9–8–99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

**[STB Ex Parte No. 552 (Sub-No. 3)]**

## Railroad Revenue Adequacy—1998 Determination

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of decision.

**SUMMARY:** On September 9, 1999, the Board served a decision announcing the 1998 revenue adequacy determinations for the Nation's Class I railroads. One carrier (Illinois Central Railroad Company) is found to be revenue adequate.

**EFFECTIVE DATE:** This decision is effective September 9, 1999.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Blistein, (202) 565–1529. [TDD for the hearing impaired: (202) 565–1695.]

**SUPPLEMENTARY INFORMATION:** The Board is required to make an annual determination of railroad revenue adequacy. A railroad will be considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment equal to at least the current cost of capital for the railroad industry for 1998, determined to be 10.7% in *Railroad Cost of Capital—1998*, STB Ex Parte No. 558 (Sub-No. 2) (STB served May 17, 1999). In this proceeding, the Board applied the

revenue adequacy standards to each Class I railroad, and it found one carrier, Illinois Central Railroad Company, to be revenue adequate.

Additional information is contained in the Board's formal decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, N.W., Washington, DC 20423. Telephone: (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.] The decision is also available on the Board's internet site, www.stb.dot.gov. Environmental and energy considerations.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Regulatory Flexibility Analysis**

Pursuant to 5 U.S.C. 603(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of the action is merely to update the annual railroad industry revenue adequacy finding. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Decided: September 1, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 99–23438 Filed 9–8–99; 8:45 am]

BILLING CODE 4915–00–P

## DEPARTMENT OF VETERANS AFFAIRS

### Veterans' Advisory Committee on Environmental Hazards, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 that a meeting of the Veterans; Advisory Committee on environmental Hazards will be held on Wednesday and Thursday, October 6–7, 1999, in room 203 of VA Central Office, 810 Vermont Avenue, N.W., Washington, DC 20420. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation. The major items on the agenda for both days will be discussions and analyses of medical and scientific papers concerning the health effects of exposure to ionizing radiation. On the basis of their analyses and discussions, the Committee may make recommendations to the Secretary concerning diseases that are the result of exposure to ionizing radiation. The agenda for the second day will include planning future Committee activities and assignment of tasks among the members.

The meeting is open to the public on both days. Those who wish to attend or submit written questions or prepared statements for review by the Committee should contact Ersie Farber-Collins of the Department of Veterans Affairs, Compensation and Pension Service, 810 Vermont Avenue, N.W., Washington, DC 20420, prior to September 27, 1999. Ms. Farber-Collins may also be reached at 202–273–7268.

Dated: August 30, 1999.

By Direction of the Secretary.

**Marvin R. Eason,**

*Committee Management Officer.*

[FR Doc. 99–23406 Filed 9–8–99; 8:45 am]

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