any reports of accidents which were related to the omission to the metric data.

The purpose of labeling requirements in S5.3, Label information, 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. Section 5164 of the Omnibus Trade and Competitiveness Act (Pub. L. 100–418) makes it the United States policy that the metric system of measurement is the preferred system of weights and measures for U.S. trade and commerce. On March 14, 1995, NHTSA published in the **Federal Register** (60 FR 13693) the final rule that metric measurements be used in S5.3 of FMVSS No. 120. The effective date for this final rule was March 14, 1996.

Paragraph S5.3 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 metric and English units. 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.

The agency agrees with Dorsey that the label on these trailers is likely to achieve the safety purpose of the required label. The vehicle user will have the correct safety information sans the metric conversion in the prescribed location. First, all the correct English unit information required by FMVSS No. 120 is provided on the certification label. Second, the information contained on the label is of the correct size. Third, the information contained on the label is in the prescribed format.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to safety. Accordingly, its application is granted, and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

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

Issued on: January 8, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–766 Filed 1–12–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–4966]

TarasPort Trailers, Inc.; Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

TarasPort Trailers, Inc., of Sweetwater, Tennessee, has applied for a two-year temporary exemption from Motor Vehicle Safety Standard No. 224 *Rear Impact Protection,* as provided by 49 CFR part 555. The basis of the application is that ''compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.'' Sec. 555.6(a).

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 the agency about the merits of the application. We base the discussion that follows on information contained in TarasPort's application, submitted by its Vice President, Ms. Jeanne Isbill.

Why TarasPort Needs a Temporary Exemption

Located in the Sweetwater Industrial Park in Monroe County, Tennessee, TarasPort has been manufacturing trailers since April 1988. Standard No. 224 requires, 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.* TarasPort manufactured a total of 237 trailers in 1997, including ''two models of drop decks equipped with rear deck extenders.'' The extenders deploy in 1-foot increments, up to 3 feet, from the rear of the trailer. S5.1.3 of Standard No. 224 requires that the horizontal member of the rear impact guard must be as close as practicable to the rear extremity of the vehicle, but in no case farther than 305 mm. from it. TarasPort had asked NHTSA to exclude its two trailer models as ''special purpose vehicles,'' but we denied its request. We also determined that the trailers' rear extremity, with the extenders deployed ''would be the rearmost surface on the extenders themselves.'' In order to meet S5.1.3, TarasPort must redesign these models so that the rear face of the horizontal member of the guard will never exceed 305 mm from the rearmost surface on the extenders, when the extenders are in any position in which they can be placed when in transit. It has asked for a 2-year exemption in order to do so.

Why Compliance Would Cause TarasPort Substantial Economic Hardship

TarasPort employs 16 people, including its two working owners. An increasing amount of its sales is comprised of the two extended-deck trailers, from 55% in 1997 to 63% in the first two quarters of 1998. Using its existing staff, the company estimates that it needs 18 to 24 months of design and testing to bring the trailers into compliance with S5.1.3, and that the modifications required will cost $1800 to $2000 per trailer.

If the application is denied, TarasPort would have to discontinue production for 18 to 24 months, or hire an engineering consulting firm to possibly reduce that time, at a fee of $80 to $120 an hour. It would be forced to layoff a majority of its employees, and it would lose the market and established customer base that it has achieved as a niche producer over the 10 years of its existence.

According to its financial statements, TarasPort has had a small net income in each of its past three fiscal years, though the income each year has been substantially less than the year before. The net income for 1997 was $87,030.

How TarasPort Has Tried To Comply With the Standard in Good Faith

Most of TarasPort's trailers have low deck heights and rear ramp compartments ''which only compound rear impact compliance problems.'' Nevertheless, the company was able to bring its designs into compliance by Standard No. 224's effective date, with the exception of the two extender designs. These trailers comply when the extenders are not in use. The company tested mounting the guard directly on the extenders ''so it would move out and thus comply,'' but found that this method of mounting ''would not absorb the level of energy'' required by Standard No. 223. TarasPort hoped that NHTSA would consider the extenders to be load overhang or exempt as a special purpose vehicle, but NHTSA denied this request on May 22, 1998.

Why Exempting TarasPort Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

A denial would adversely affect the company's employees, customers, and the local economy in Monroe County. The motor vehicle safety standards ''were created with the general public's well being in mind. Assisting our company to comply to those standards

only insures public safety. Compliance rather than enforcement is consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.''

How To Comment on TarasPort's Application

We invite you to comment on TarasPort's application. Send your comments, in writing, to: Docket Management, National Highway Traffic Safety Administration, room PL–401, 400 Seventh Street, SW, Washington, DC 20590, in care of the docket and notice number shown at the top of this document. It would be helpful if you provide us with 10 copies of your comments.

We shall consider all comments received before the close of business on the comment closing date stated below. To the extent possible, we shall also consider comments filed after the closing date. You may examine the comments in the docket in room PL–401 both before and after that date, between the hours of 10 a.m. and 5 p.m. When we have reached a decision, we shall publish it in the **Federal Register**.

Comment closing date: February 12, 1999.

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

Issued: January 7, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–686 Filed 1–12–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 99–8]

19 U.S.C. 1625(c) Inapplicable to Certain Specific Manufacturing Drawback Rulings and General Manufacturing Drawback Notices of Acknowledgment

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: Under 19 U.S.C. 1625(c) Customs is required to give notice of any proposed interpretive ruling that would modify or revoke a prior interpretive ruling. Customs is announcing in this document that it has determined that rulings involving no interpretive decision by Customs which modify or terminate specific manufacturing drawback rulings or terminate general manufacturing drawback notices of acknowledgment fall outside the scope of 19 U.S.C. 1625(c). Accordingly, it is Customs position that any such modifications or terminations do not require prior notice published in the Customs Bulletin.

DATES: January 13, 1999.

FOR FURTHER INFORMATION CONTACT: Bill Rosoff, Duty and Refund Determinations Branch, Office of Regulations and Rulings, 1300 Pennsylvania Avenue, NW, Washington, DC, 20029, Tel. (202) 927–2277.

SUPPLEMENTARY INFORMATION:

Background

This document concerns a position that Customs is taking that 19 U.S.C. 1625(c) is not applicable to:

(1) Factual non-interpretive modifications or terminations of specific drawback manufacturing rulings, or;

(2) Factual non-interpretive terminations of general manufacturing drawback notices of acknowledgment.

It is Customs position that the modification or termination of a specific manufacturing drawback ruling which involves no interpretive decision by Customs, or the termination for non-interpretive factual reasons of a general manufacturing drawback notice of acknowledgment, does not require prior notice published in the Customs Bulletin before publication of the final ruling.

Customs considers modifications or terminations which require no interpretation of the drawback laws and regulations by Customs as non-interpretive.

General Manufacturing Drawback Notices of Acknowledgment

Section 191.7 of the Customs Regulations (19 CFR 191.7) provides that applicants for drawback involving certain common manufacturing operations may apply for drawback by submitting a letter of notification of intent to operate under a general manufacturing drawback ruling that is published in Appendix A to Part 191, Customs Regulations. The letter of notification of intent contains much factual information, such as the name and address of the manufacturer or producer, locations of the factories which will operate under the letter of notification, description of the merchandise and the manufacturing process and the IRS number. The drawback office to which the letter of notification of intent to operate under a general manufacturing drawback ruling was submitted will review the letter and, if the letter complies with certain criteria set forth in 19 CFR 191.7(c), will issue an acknowledged letter of notification.

Specific Manufacturing Drawback Rulings

Section 191.8 of the Customs Regulations (19 CFR 191.8) provides that each manufacturer or producer of an article intended to be claimed for drawback is required to apply for a specific manufacturing drawback ruling unless operating under a general manufacturing drawback ruling.

The contents of an application for a specific manufacturing drawback ruling, as with a letter of notification of intent for general manufacturing drawback, include much factual, non-interpretive information. Examples of some issues which are factual and non-interpretive include an applicant's name and address, IRS number, description of the type of business in which engaged, factory location, manufacturer's election of the manner by which it intends to show the basis for its entitlement to drawback (i.e, ''used in,'' ''appearing in,'' ''used in less valuable waste''), election of whether the claim will involve trade-off, and location of the Customs office where claims will be filed, etc.

An application may also raise issues which require Customs to interpret the drawback statute and regulations. Such interpretive issues may arise in rulings where Customs erroneously concluded that a process accurately described in the application was a manufacture or production, where Customs erroneously concluded that a process accurately described in the application was a major conversion or that the materials used were required for the safe operation of the vessel or aircraft within the meaning of 19 U.S.C. 1313, or where Customs erroneously concluded that accurately described substitute merchandise was of the same kind and quality as the designated merchandise, etc.

If Customs determines that a specific manufacturing drawback application is consistent with the drawback law and regulations, a letter of approval will be issued to the applicant.

Approved Drawback Applications Are ''Rulings''

Before the final rule revising the drawback regulations published in the **Federal Register** (63 FR 10970) on March 5, 1998 became effective, an approved drawback application was called a drawback contract. In that final rule document, Customs affirmed that an approved drawback application is now considered a drawback ruling, rather than a drawback contract, and subject to the requirements of 19 CFR Part 177 and 19 U.S.C. 1625. Accordingly, a specific manufacturer's