

docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 13, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 99-9708 Filed 4-16-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5116; Notice 2]

Johnston Sweeper Co.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 105

For the reasons explained in this notice, we are granting the application by Johnston Sweeper Company of Chino, California ("JSC"), for an exemption until March 1, 2002, from requirements of Motor Vehicle Safety Standard No. 105, *Hydraulic and Electric Brake Systems*, that became effective March 1, 1999. JSC applied for an exemption on the basis that "compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard." 49 CFR 555.6(a).

We published notice of receipt of the application on February 24, 1999 (64 FR 9215).

The discussion that follows is based on information contained in JSC's application.

Why JSC Needs a Temporary Exemption

On and after March 1, 1999, S5.5 of Standard No. 105 requires any motor vehicle with a GVWR greater than 10,000 pounds, except for a vehicle that has a speed attainable in 2 miles of 30 mph or less, to be equipped with an antilock brake system ("ABS"), as specified in S5.5.1 of the standard. JSC manufactures street sweepers. One of these, the Model M4000, is a "truck" as defined by our regulations. The M4000 is hydrostatically driven, and has two braking systems: Hydrostatic braking and hydraulically-braked front and rear axles. Both axles are specifically manufactured for JSC by proprietary axle manufacturers who produce

customized versions of existing conventional vehicle axles, in order to make them economically viable. As far as JCS can ascertain, it is unique in producing a hydrostatically-driven vehicle that can achieve highway speeds of up to 60 mph. A supplier had promised axles by August 1998 that would be compatible with ABS control systems leading JSC to expect that it could conform with the new requirements of Standard No. 105 effective March 1, 1999. However, for the reasons discussed below, the supplier is unable to fulfill its commitment to JCS in a timely manner.

Why Compliance Would Cause JSC Substantial Economic Hardship

JSC produced 303 sweepers in 1998. Its net losses over the past three fiscal years have averaged \$1,690,815 annually. It estimates that "the loss of sales by not being granted an exemption would result in 20% less turnover." JSC stated that it employs 170 persons and contributes more than \$30,000,000 to the American economy, and, if its application is denied, this would have a measurable effect on its employment force and the company's economic contributions.

JCS stated that it believes it will need 18 to 24 months to complete compliance work after receipt of prototype axles, in order to assure the reliability and endurance of its vehicles when the system is put into production.

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

During 1997, JSC concluded a long search to find a manufacturer prepared to design and manufacture economically-viable front and rear axle and brake assemblies compatible with ABS control systems. Its supplier promised to provide axles by August 1998. According to JSC, "the supplier subsequently acquired another axle manufacturer and instigated a rationalization review of the resulting combined product ranges." As a result, the supplier has decided not to produce the original axle design. JCS does not expect suitable prototypes to be available until mid to late 1999. The company has approached other axle manufacturers but has not yet located a better alternative. After it receives prototype axles, significant testing will be required to integrate the ABS with hydrostatic braking and to ensure the reliability and durability of the axles and braking system.

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

JCS said that it is a leading provider of road sweepers to municipalities, airports, and the like, which benefits the public by helping to reduce health hazards ("air borne, on the ground and in run-off water"). The company believes that the fact that its sweepers are reliable, durable, and cost effective is also in the public interest.

The sweepers operate at average speeds of from 2 to 8 mph for approximately 80 to 90 percent of the time, "well below the limit requiring ABS brakes." JSC stated that its sweepers "have inherently safe braking (hydrostatic) since the retardation force applied is proportional to the tractive effort being applied, at the time."

Our Findings and Agreement With Johnston's Arguments

Well in advance of the effective date of the new requirements, Johnston found a supplier who would provide front and rear axle and brake assemblies compatible with ABS control systems. However, the supplier has decided not to produce the axle design agreed upon, and will not be able to provide an alternative axle until mid-1999. This last-minute change has prevented Johnston from complying with Standard No. 105 on March 1, 1999. The company has registered net losses in each of its past three fiscal years, and if it does not receive a temporary exemption, these losses can be expected to deepen.

Denial of its application would "have a measurable effect on its employment force" which numbers 170 persons, as well as reducing the number of sweepers available for the sanitary needs of municipalities. Although the sweepers are capable of highway speeds of up to 60 miles per hour, they are intended for use on city streets which are zoned for much lower speeds. The operating speeds average 2 to 8 miles per hour while the streets are being swept, below the level of effectiveness of ABS systems.

On the basis of the foregoing, we hereby find that a temporary exemption would be in the public interest and consistent with the objectives of traffic safety. We further find that compliance at this time would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

The Temporary Exemption

Accordingly, Johnston Sweeper Company is hereby granted NHTSA Temporary Exemption No. 99-4 from

S5.5 of 49 CFR 571.105 Standard No. 105, Hydraulic and Electric Brake Systems, expiring March 1, 2002, for its Model M4000.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on: April 12, 1999.

Ricardo Martinez,
Administrator.

[FR Doc. 99-9706 Filed 4-16-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33721]

Norfolk Southern Railway Company and The Cincinnati, New Orleans & Texas Pacific Railway Company—Trackage Rights Exemption—Consolidated Rail Corporation, at Columbus, OH

Consolidated Rail Corporation (CRC) has agreed to grant overhead trackage rights¹ to Norfolk Southern Railway Company, on behalf of itself and its wholly owned subsidiary The Cincinnati, New Orleans & Texas Pacific Railway Company (collectively referred to as NS), over a total distance of approximately 5.4 miles of CRC's lines at Columbus, Franklin County, OH, as follows: (1) between approximately milepost CP-134.3, at Clintonville Connection, and the connection between the parties at approximately milepost 138.0, at CP 138 near Scioto, a distance of approximately 3.7 miles on CRC's Columbus Line; and (2) between approximately milepost 138.0, at CP 138, and approximately milepost 139.7, in the vicinity of Auburn Switch, a distance of approximately 1.7 miles on CRC's Cincinnati Line.²

¹ These trackage rights extend a trackage rights arrangement previously exempted by the Board on a line between Columbus and Cincinnati, OH. See *Norfolk and Western Railway Company and The Cincinnati, New Orleans and Texas Pacific Railway Company—Trackage Rights Exemption—Consolidated Rail Corporation*, Finance Docket No. 32843 (STB served Jan. 24, 1996). The trackage rights will permit NS to utilize its newly constructed and more efficient Clintonville Connection.

² As part of the transaction approved by the Board in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements*, STB Finance Docket No. 33388 (STB served July 23, 1998) (Decision No. 89), NS was authorized to obtain trackage rights over the portion of the line between milepost CP-134.3 and milepost CP-138.0 and was authorized to operate over the portion of the line between milepost CP-138.0 and milepost CP-139.7. Thus, once NS acts on those authorizations, which the applicants in STB Finance Docket No. 33388 have projected to be on approximately June 1, 1999, the

The transaction is scheduled to be consummated on or after April 14, 1999.

The trackage rights will permit NS to move overhead traffic more safely, efficiently, and quickly through the Columbus area.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33721, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on James R. Paschall, Esq., Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510-2191.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: April 13, 1999.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 99-9741 Filed 4-16-99; 8:45 am]

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UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

AGENCY: United States Information Agency.

SUBJECT: Culturally Significant Objects Imported For Exhibition Determinations.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978),

trackage rights included in this notice will no longer be required, but NS will continue to provide service over these lines after that date pursuant to the other authorizations in Decision No. 89.

and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit "Cezanne to Van Gogh: The Collection of Doctor Gachet" imported from abroad for temporary exhibition without profit within the United States, is of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about May 17, 1999, to on or about August 15, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Neila Sheaban, Assistant General Counsel, 202/619-5030, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, D.C. 20547-0001.

Dated: April 12, 1999.

Les Jin,

General Counsel.

[FR Doc. 99-9689 Filed 4-16-99; 8:45 am]

BILLING CODE 8230-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Ringing Thunder: Tomb Treasures From Ancient China"

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Ringing Thunder: Tomb Treasures from Ancient China," imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the list objects at the San Diego Museum of Art, San Diego, CA, from on or about June 12, 1999, to on or about August 29, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.