exemptions totaling three years, Dan Hill avers that it has been unable to engineer its trailers to conform and needs a further year in which to do so. We discuss below its efforts to conform in greater detail.

Dan Hill's Reasons Why it Believes That Compliance Would Cause it Substantial Economic Hardship and That it Has Tried in Good Faith To Comply With Standard No. 224

Dan Hill is a small volume manufacturer. Its total production in the 12-month period preceding its latest petition was 151 units. In the absence of a further exemption, Dan Hill asserts that approximately 70 percent of its work force would have to be laid off. If the exemption were not renewed, Dan Hill's gross sales would decrease by $8,313,337 in 2001. Its cumulative net income after taxes for the fiscal years 1998, 1999, and 2000 was $454,556, but net income has declined in 2000 and 1999 from the year before. It projects a net loss of $291,947 for fiscal year 2001.

The **Federal Register** notices cited above contain Dan Hill's arguments of its previous good faith efforts to conform with Standard No. 224 and form the basis of our previous grants of Dan Hill's petitions. Dan Hill originally asked for a year's exemption in order to explore the feasibility of a rear impact guard that would allow the Flow Boy trailer to connect to a conventional paver. It concentrated its efforts between 1998 and 1999 in investigating the feasibility of a retractable rear impact guard, which would enable Flow Boys to continue to connect to pavers. The company has examined the various alternatives: installation of a fixed rear impact guard, redesign of pavers, installation of a removable rear impact guard, installation of a retractable rear impact guard, and installation of a ''swing-up'' style tailgate with an attached bumper. Its latest efforts to conform, from September 1999 until December 2000, involve the design of a swing-in retractable rear impact guard. A review of its design, by Tech, Inc., shows that this, too, is not feasible. Among other things, Tech, Inc., is concerned that ''the tailgate, hinges, and air cylinders will not meet the criteria of the Standard 224-plasticity requirement,'' and that ''the bumper is a potential safety hazard'' because if the gate were raised and ''a flagman or a trailer stager is in between the paver and the bumper while the gate and bumper is rising, the bumper could cause serious injury or death.'' A copy of Tech Inc.'s report has been filed in the docket as part of Dan Hill's petition. The report also indicates that the costs associated with this design may be cost prohibitive ''when trying to win business in a highly competitive, yet narrow marketplace.''

Dan Hill's Reasons Why it Believes That a Temporary Exemption Would Be in the Public Interest and Consistent With Objectives of Motor Vehicle Safety

Dan Hill believes that an exemption would be in the public interest and consistent with traffic safety objectives because, without an exemption, ''within a short time, production of the trailer will cease entirely. Jobs will be lost and a major employer in McClain County will be lost. This would mean a significant loss to many people in the state, including shareholders, lenders, employees, families, and other stakeholders.'' Dan Hill's production represents less than .05% of trailers manufactured. The amount of time actually spent on the road is limited because of the need to move the asphalt to the job site before it hardens. Nevertheless, Dan Hill has taken recent efforts to enhance the conspicuity of Flow Boy trailers by: 1. adding ''High intensity flashing safety lights; 2. Doubling the legally required amount of conspicuity taping at the rear of the trailer; 3. [adding] Safety signage; 4. [adding] Red clearance lights that normally emit light in twilight or night-time conditions; and 5. Installation of a rear under-ride protection assembly 28″ above the ground and 60″ in width.'' Finally, the location of the rear tires is such that the tires act as a buffer ''and reduce the likelihood of impact with the semi-trailer and the vehicle's windshield or interior of the vehicle significantly.''

How You May Comment on Dan Hill's Application

If you would like to comment on Dan Hill's application, please do so in writing, in duplicate, referring to the docket and notice number, and mail 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 date indicated below. Comments are available for examination in the docket in room PL–401 both before and after that date, between the hours of 10 a.m. and 5 p.m. To the extent possible, we also consider comments filed after the closing date. We will publish our decision on the application, pursuant to the authority indicated below.

Comment closing date: March 5, 2001.

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

Issued on February 8, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–3663 Filed 2–12–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001–8809; Notice 1]

EGO Vehicles Inc.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standards Nos. 119 and 120

EGO Vehicles Inc. (''Ego''), a Delaware corporation located in Fairhope, Alabama, through counsel in San Francisco, California, has applied for a temporary exemption of its ''eGO'' motor driven cycle from Federal Motor Vehicle Safety Standards Nos. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars,* and No. 120, *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.* The basis of the application is that an exemption would make easier the development or field evaluation of a low-emission motor vehicle and would not unreasonably lower the safety level of the vehicle.

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

EGO seeks an exemption of two years from the requirements of Standards Nos. 119 and 120. Standard No. 119 establishes performance and endurance, marking, and treadwear indicators for motorcycle tires. Standard No. 120 establishes requirements for DOT-certified rims of certain sizes to ensure compatibility with DOT-certified tires of the same sizes. The eGO vehicle is not a motorcycle of conventional configuration, having a ''chassis design * * * similar to that of a large scooter, but it has handlebars, a seat and other components that make it more similar in appearance and operation to a bicycle.'' The eGO is powered by a single electric motor producing less than 2 horsepower, and is therefore a ''motor driven cycle,'' a subcategory of motorcycle under NHTSA definitions and regulations. The speed of the eGO ''is limited by its controller and drivetrain configuration to less than 20 miles per hour.''

EGO states that it has located ''many high-performance bicycle rims and tires,'' but that ''none of the

manufacturers of these components has certified these products as compliant with FMVSS 119 or 120.'' The most similar components that EGO has located are moped tires and rims. However, the ''performance capabilities of these tires and rims are excessive given the low weight, low speed, and limited range of the eGO. Further, the dimensions of these products are not compatible with the eGO's chassis design or braking system * * *.''

EGO deems its only alternative to develop a specific tire and rim combination. However, testing ''would be an extremely high cost to bear for a manufacturer of a new and innovative low-emission vehicle that is still at an early stage of its product life.'' EGO argues that ''amortizing the cost of testing over the limited number of vehicles sold would significantly increase the cost of this low-emission vehicle, reducing the market for the product and Petitioner's ability to evaluate its performance and market potential.''

In EGO's opinion, an exemption would not unreasonably degrade the safety of the vehicle ''because Petitioner has selected the eGO's rims and tires based on stringent design criteria, considering the operating environment, gross vehicular weight, and top speed of the vehicle.'' Standard No. 119 ''seems especially inappropriate because the eGO cannot, by design, operate continuously for longer than approximately 75 minutes, or be propelled at a speed greater than 20 mph.'' The endurance test (S6.1) ''simulates conditions that would never be encountered by the operator of the vehicle simply by nature of the vehicle's design and performance restraints.'' The purpose of Standard No. 120, in EGO's view ''is to assure that a consumer will be able to purchase a tire that fits a given rim, and that any tire purchased in a given size will fit a rim of that size.'' The petitioner believes it has achieved that purpose in the tires and rims it has selected for the eGO, and it will encourage owners ''to use the replacement rims that we specify in the documentation provided with the vehicle.''

According to eGO, an exemption would be in the public interest as supporting an innovative low-cost, low-emission means of transportation. An exemption would be consistent with the objectives of traffic safety because the petitioner intends to comply with the regulations that the Consumer Product Safety Commission has promulgated for bicycles. The petitioner also points out that no tire and rim requirements are imposed by Standard No. 500, *Low-speed Vehicles,* on passenger-carrying vehicles with a slightly higher maximum speed (20 to 25 mph).

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the 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 application will be published in the **Federal Register** pursuant to the authority indicated below. *Comment closing date:* March 15, 2001.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on February 8, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–3664 Filed 2–12–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000–7705, Notice 1]

Receipt of Applications for Decision of Inconsequential Noncompliance

The following companies, Osram Sylvania Products, Inc., (Osram); Subaru of America, Inc., (Subaru); Koito Manufacturing Co., LTD. (Koito); North American Lighting, Inc. (NAL); Stanley Electric Co., LTD, (Stanley); and General Electric Company (GE) have determined that certain H1 replaceable light sources they manufactured or used in lamp assemblies did not have the ''DOT'' marking required under Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment.''

This notice of receipt of these applications is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the applications.

Under the requirements of S7.7(a) of FMVSS No. 108, each replaceable light source shall be marked with the symbol ''DOT.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), the above companies have petitioned for a determination that their failure to mark light sources with ''DOT'' is inconsequential to motor vehicle safety and have filed appropriate reports pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

Osram produced 841,283 H1 replaceable light sources without the required ''DOT '' marking. In its part 573 report, Osram stated that it was not possible to determine exactly how many light sources were used in headlamp assemblies as opposed to those which were used in fog lamp assemblies.

Between February 1999 and January 2000, NAL used 118,756 of these Osram replaceable light sources in headlamp assemblies. Subaru installed 110,784 of these NAL headlamp assemblies in model year 2000 Legacy vehicles from February 1999 through February 2000.

Stanley used 30,426 of the Osram replaceable light sources in headlamp assemblies intended for Honda Preludes produced between October 22, 1998 and January 27, 2000. Koito used 12,340 of the Osram replaceable light sources in headlamp assemblies it manufactured between June 1999 and January 2000.

A separate group of replaceable light sources with the same noncompliance was manufactured by GE. GE produced 2,490 of these between April 1, 1999 and March 23, 2000. The GE replaceable light sources are included in this notice for simplicity because the issue is identical.

All of the petitioners have indicated that the subject replaceable light sources, with the exception of the absence of the ''DOT'' marking, fully comply with all the performance and design requirements of FMVSS No. 108 and do not constitute any risk to motor vehicle safety. Osram has submitted confidential test data to show this.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC, 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the