

5. The contractor should be required to offer facilities and services for resale at rates and subject to terms and conditions that are just, reasonable, and nondiscriminatory and may include a reasonable profit.

6. The agreement with the contractor should require that the contractor comply with the terms defined above, and give third parties the right to challenge the contractor's compliance with the appropriate elements of these terms dealing with third party access before an independent entity which does not benefit directly from the arrangement with the contractor. The independent entity should have the authority to order the contractor to comply with these terms. A State public utilities commission, or independent arbitrator, might serve in this capacity. In this regard, prompt resolution of such issues can be critically important to the development of competition.

7. It is substantially preferable that the contractor be a wholesaler of telecommunication in order to minimize competitive concerns, as opposed to being a retail telecommunications service and facilities provider either directly or through an affiliated entity. This reduces the potential for anti-competitive pricing that could violate section 253 of the TCA. However, if the contractor does provide retail telecommunications service directly or through an affiliated entity, all rates, terms and conditions for its retail service should be fair, reasonable, and nondiscriminatory.

(The provision of retail service by a contractor creates the potential for a "price squeeze" with the contractor overcharging competitors, and its retail arm, for wholesale services and facilities, while competing vigorously on price for retail services. Thus, if the contractor provides retail services, the contractor's charges for services and facilities used by potential retail competitors may require careful scrutiny to avoid potential violations of the TCA.)

### Conclusion

These guidelines shall not be used as evidence of any alleged or asserted legal rights with regard to access to freeway ROW, but are being provided to assist States in developing their agreements for telecommunications installations on freeway ROW, particularly dealing with the nondiscriminatory, pro-competitive requirements of the TCA.

The information provided in this discussion of longitudinal access to freeway ROW and the impact of the TCA is provided for guidance purposes only. Local conditions in the

telecommunications competitive environment may well dictate other approaches to satisfying the competitive neutrality provisions of the TCA. There is no "right answer" that will serve every situation. However, the points discussed above provide some insight into the thinking of the FCC Common Carrier Bureau on these issues, and can be used to assist States in formulating their approach to the subject of longitudinal access to freeway ROW for telecommunications.

The FHWA anticipates revising these guidelines periodically as information is obtained on the practicality and reasonableness of these recommendations.

Any questions on the guidelines should be addressed to William S. Jones, Intelligent Transportation System Joint Program Office, telephone number (202) 366-2128, Washington, DC 20590, e-mail: [WilliamS.Jones@fhwa.dot.gov](mailto:WilliamS.Jones@fhwa.dot.gov).

[FR Doc. 01-1644 Filed 1-19-01; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2001-8611]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Request for public comment on proposed collections 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 new 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 reinstatements of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before March 23, 2001.

**ADDRESSES:** Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh St. SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number.

It is requested, but not required, that 1 original plus 2 copies of the comments be provided. The Docket Section is open on weekdays from 10:00 a.m. to 5:00 p.m.

### FOR FURTHER INFORMATION CONTACT:

Complete copies of the request for collection of information may be obtained at no charge from Dr. William J.J. Liu, NHTSA, 400 Seventh Street, SW., Room 5313, Washington, DC 20590.

Dr. Liu's telephone number is (202) 366-4923. Please identify the relevant collection of information by referring to its OMB Clearance 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 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 regulations (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 public comment on the following proposed collection of information:

### 49 CFR 571.218, Motorcycle Helmets

*Type of Request*—Reinstatement of clearance.

*OMB Clearance Number*—2127-0518.

*Form Number*—This collection of information uses no standard forms.

*Requested Expiration Date of Approval*—Three years from date of approval.

*Summary of the Collection of Information*—NHTSA has issued

Federal Motor Vehicles Safety Standard No. 218, Motorcycle Helmets, which establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. Standard No. 218 requires that each helmet shall be labeled permanently and legibly (\$5.6), in a manner such that the label(s) can be read easily without removing padding or any other permanent part.

*Description of the Need for the Information and Proposed Use of the information*—NHTSA requires labeling information to ensure that helmet owners have important safety information. The information currently provided on the helmet from the labels includes that manufacturer's name or identification, model, size, month and year of manufacture, shell and liner construction of the helmet. The owners will also receive important information on caring for the helmet from the labels. Finally, the DOT symbol signifies the manufacturer's certification that the helmet meets all the requirements in the standard. Labeling is necessary for NHTSA to identify the helmet, particularly, if the helmet failed the compliance tests.

*Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)*—NHTSA estimates that 32 manufacturers of motorcycle helmets offer their products for sale in the United States. The frequency of response to the collection of information depends on the number of helmets that each manufacturer sells.

*Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information*—Currently, 32 manufacturers produce, on the average, a total of approximately 1,600,000 motorcycle helmets a year. NHTSA estimates that the total annual information collection burden on all manufacturers is 5,333 hours. NHTSA estimates that "annualized costs on all manufacturers is \$640,000."

**Authority:** 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued: January 17, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-1852 Filed 1-19-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8591; Notice 1]

#### Bridgestone/Firestone, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Bridgestone/Firestone, Inc., has determined that approximately 33,000 P235/75R15 Widetrack Wintertrax tires produced in the Sao Paulo, Brazil plant and 1,400 P235/75R15 Lemans A/T tires produced in the Decatur, Illinois plant do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bridgestone/Firestone has petitioned for a determination that the noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application 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 application.

The noncompliance with Section 4.2.1(c) relates to maximum load rating for a particular tire size. The Sao Paulo plant produced 33,000 P235/75R15 Widetrack Wintertrax tires from April 2000 through October 2000. The affected tires had the maximum load mismatched. The actual marking was: Max Load 650 Kg (1433 lbs.) @ 300 Kpa (44 psi). The correct marking should have been: Max Load 920 Kg (2029 lbs.) @ 300 Kpa (44 psi).

The affected P235/75R15 Widetrack Wintertrax tires meet all requirements of FMVSS No. 109 except the markings pertaining to maximum load rating.

The noncompliance with Section 4.3.4(a) relates to the maximum inflation pressure of the tire. The Decatur plant produced 1,400 P235/75R15 Lemans A/T tires during DOT weeks 36, 37 and 38 of the year 2000. The affected tires had the inflation pressure (English units only) mismatched on the sidewall opposite the DOT serial number. The actual marking was: Max Load 990 Kg (2183 lbs.) @ 340 Kpa (41 psi). The correct marking should have been: Max Load 990 Kg (2183 lbs.) @ 340 Kpa (50 psi). Bridgestone/Firestone states that this was a single mold issue and the markings in that mold have been corrected.

The affected P235/75R15 Lemans A/T tires meet all requirements of FMVSS

No. 109. They have the correct inflation in metric units, and the recommended operation inflation pressure is defined by the placard on the vehicle door or within the owner manual.

Bridgestone/Firestone, Inc., submits that the noncompliance is inconsequential as it relates to motor vehicle safety.

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 authority indicated below. Comment closing date: (February 21, 2001).

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: January 17, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-1851 Filed 1-19-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2000-8133; Notice 2]

#### Panoz Auto Development Company; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

This notice grants the application by Panoz Auto Development Company of Hoschton, Georgia, for a temporary exemption from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

Notice of receipt of the application was published on October 25, 2000, and an opportunity afforded for comment (65 FR 63913).

Panoz received NHTSA Exemption No. 93-5 from S4.1.4 of Standard No.