

over these years. Further, Capacity can achieve compliance with Standard No. 121 after some delay, but presents arguments why it may not be in the public interest to do so.

NHTSA has great flexibility in its interpretation of the phrase "substantial economic hardship." Ordinarily it may consider cumulative net losses a *per se* demonstration of hardship, but it specifically invites applicants to submit "[a] discussion of any other hardships (e.g., loss of market) that the petitioner desires the agency to consider." (49 CFR 555.7(a)(1)(D)(vi)). In this situation, Capacity will not have a problem if it accelerates its manufacturing schedule to complete the order before the effective date of the new provisions of Standard No. 121. But this can be achieved only at the cost of hiring and training additional manufacturing personnel, and requiring its work force to work exclusively and overtime on filling the order of the Postal Service to the detriment of other customers whose orders will then be delayed. These costs cannot be recovered under Capacity's fixed cost contract with the Postal Service. NHTSA also notes that the quality of the vehicles may suffer when vehicles are rushed to completion by a newly-trained work force. All these are hardship factors that NHTSA deems relevant to its determination.

The facts also indicate that the Administrator's findings that a manufacturer has made a good faith effort to conform and that an exemption is in the public interest and consistent with traffic safety objectives stem from the following scenario. Capacity can achieve compliance no later than 3 months after the effective date of the amendments to Standard No. 121. While it is willing to defer completion of its order until then, this is not acceptable to its customer who has already taken delivery of the initial vehicles for which it has contracted. Delayed delivery will not only deprive the Postal Service of vehicles it needs, but also require it to train drivers and maintenance personnel in two differing procedures. NHTSA believes that this may complicate replacement parts inventories as well. All in all, this would appear to increase the costs to the Postal Service which will contribute to the on-going economic pressure for increases in postal rates. The effect on safety of providing an exemption for 60 truck tractors which will spend only an estimated 5% of their lives on the public roads would appear to be *de minimis*.

On the basis of the foregoing, it is hereby found for good cause shown, that compliance with Standard No. 121

would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. It is further found that a temporary exemption is in the public interest and consistent with the objectives of traffic safety. Accordingly, Capacity of Texas, Inc., is hereby granted NHTSA Temporary Exemption No. 96-1 from paragraph S5.1.6 of 49 CFR 571.121 Motor Vehicle Safety Standard No. 121 "Air Brake Systems" expiring June 1, 1997.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on: February 28, 1997.

Ricardo Martinez,

Administrator.

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Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 72-363; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Friday, March 21, 1997, 10:00 to 4:00 p.m. The meeting will take place at the U.S. Department of Transportation, 400 7th Street, SW., Washington, DC, in conference room 9234 of the Nassif Building.

The Advisory Council, called for under Section 6007 of Pub. L. 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include a review of the last meeting, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Carolee Bush, Council Liaison, on (202) 366-6946 prior to March 20. Attendance is open to the interested public but

limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Bush.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Bush (202) 366-6946 at least seven days prior to the meeting.

Issued in Washington, DC, on February 28, 1997.

Robert A. Knisely,

Executive Director, Advisory Council on Transportation Statistics.

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DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1996 Rev., Supp. No. 9]

Surety Companies Acceptable on Federal Bonds; Redland Insurance Company

A certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1996 Revision, on page 34304 to reflect this addition:

Redland Insurance Company,
BUSINESS ADDRESS: 222 South 15th Street, Suite 600 North, Omaha, NE, 68102. PHONE: (402) 344-8800.
UNDERWRITING LIMITATION *b/*: \$3,224,000. SURETY LICENSES *c/*: AL, AZ, AR, CA, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY.
INCORPORATED IN: Iowa.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet (<http://>