(b)(1) The supporting document auditing system's procedural manual must be available to all motor carrier personnel with responsibility to control or audit compliance with this part and must be made available to the FHWA and other appropriate enforcement agencies for inspection upon authorized request or demand. The FHWA and other appropriate enforcement agencies will only request inspection of the written manuals at motor carriers' principal places of business or other terminal locations where records required by this part are maintained. The manual is not required to be produced at roadside driver-vehicle inspection locations.

(2) If the audit system can be demonstrated to be effective to verify the actual hours of service performed and the accuracy of the driver's record of duty status, the motor carrier is not required to maintain any additional supporting documents, and, in the absence of reasonably reliable information supported by documentary evidence to contradict the system found to be effective, no demand will be made for additional supporting documents the motor carrier may maintain for other purposes.

(c)(1) Each motor carrier who fails to have a supporting document auditing system in accordance with paragraphs (a) and (b) of this section or fails to provide the FHWA or other enforcement officers with a written explanation of the supporting document auditing system (manual), will be responsible for requiring every driver to obtain all supporting documents from the beginning of every trip to the end of every trip, including intermediate points during the trip. All supporting documents must be made available for inspection at the motor carrier's location and the FHWA or other enforcement officers will use a reasonably sufficient number, in the appropriate enforcement agency's discretion, to verify the accuracy of records of duty status.

(2) Failure by a motor carrier to have either a supporting document auditing system, required by paragraphs (a) and (b) of this section, or, in the absence of the system, to require the driver to obtain and forward to the motor carrier every supporting document that is provided to the driver during a trip, as required by this section, may result in monetary penalties or a compliance order for failure to comply with the supporting document auditing system requirement. A failure by the motor carrier to adequately control the drivers' falsification of their records of duty status may also result in a compliance order. Failure to comply with such order may subject a motor carrier to civil or criminal penalties under 49 U.S.C. 521.

(d) In the absence of a verifiable and effective record of duty status auditing system, every motor carrier must require every driver who is required to prepare records of duty status to retain and every driver must retain all supporting documents containing reasonably reliable references to date, time, or location, which may come into the possession of the driver in the ordinary course of the driving operation. The driver must provide the supporting documents *and* the records of duty status:

(1) To any duly authorized enforcement official of Federal, State or local government upon request or demand; and

(2) To the motor carrier at the time the corresponding record of duty status is required to be submitted.

(e) The driver must identify the supporting document required under paragraph (d) of this section by adding his or her name, and the time, date, location and vehicle number, if those items do not already appear on the document. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(f) The driver must retain a copy of each supporting document with the record of duty status to which it relates for the previous seven consecutive days in his or her possession and available for inspection while on duty. *Exception.* The requirements of this paragraph do not apply if the driver has submitted the original record of duty status with the supporting documents annexed to the motor carrier following § 395.8(k)(1) of this part.

(g) The motor carrier must identify each supporting document received from the driver under paragraph (d) of this section, or from any other source including self-generated documents, by noting on the document the following information, if the information does not already appear on the document:

(1) The time, date or location of the event that produced the document;

(2) The driver's name; and

(3) The vehicle number (i.e., truck, tractor, or coach).

(h) *Retention of supporting documents.* Supporting documents for each calendar month may be retained at the driver's home terminal or other regular work reporting location until the 20th day of the succeeding calendar month. Such documents must then be forwarded to the carrier's principal place of business, or any location the motor carrier chooses, where they must be retained with all records of duty status for six months from the original date of receipt. Within 48 hours (*Saturdays, Sundays and official holidays excluded*) after a Federal, State, or local enforcement official has made a valid request or demand (for inspection and verification of the hours of service requirements and the accuracy of the driver's records of duty status), a motor carrier must make available all records of duty status, time records in cases of 100-air mile radius exception, and supporting documents at the motor carrier's principal place of business.

(i) The FHWA may use any evidence whether or not in the motor carrier's possession, to determine compliance with hours of service requirements and verify the accuracy of the drivers records of duty status and the motor carrier's supporting document auditing system. If the FHWA discovers that the motor carrier's system is ineffective, misrepresented, or abused, the FHWA may require the motor carrier to modify its system or may require the motor carrier to collect and maintain all supporting documents as required by paragraphs (d) through (h) of this section. Civil or criminal penalties may also apply if the motor carrier or driver are determined to have misrepresented or abused the system.

[Approved by the Office of Management and Budget under control number _____]

[FR Doc. 98–10252 Filed 4–17–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Child Restraint Systems; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking from The Booster Seat Company Ltd., Hamilton, New Zealand, requesting that NHTSA amend the structural integrity requirement of its Federal motor vehicle safety standard on child restraint systems so as to allow its product, a belt-positioning booster seat made entirely of polystyrene, to be manufactured and sold in the United States. The petitioner believes

polystyrene has ''superior cushioning qualities'' compared to a blow molded plastic, yet acknowledges that the material may fracture or crack in a crash. This potential would make it likely that a polystyrene child seat would fail the structural integrity requirement in a compliance test. NHTSA is denying the petition because the loss of structural integrity of a restraint could negatively affect the performance of the system by allowing injurious forces to be imposed on the child occupant. Further, because damage to polystyrene may not be easily detected, there is a concern that consumers could mistakenly use damaged polystyrene seats, putting the child occupant at risk. Not enough is known about these potential concerns to warrant reducing the system integrity requirement as requested.

FOR FURTHER INFORMATION CONTACT: *For nonlegal issues:* Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202–366–4919).

For legal issues: Deirdre Fujita, Office of the Chief Counsel (202–366–2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: Section S5.1.1 of Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems'' (49 CFR § 571.213), sets forth requirements for child restraint system integrity. Section S5.1.1(a) states that when dynamically tested, each child restraint shall:

> Exhibit no complete separation of any load bearing structural element and no partial separation exposing either surfaces with a radius of less than 1/4 inch or surfaces with protrusions greater than 3/8 inch above the immediate adjacent surrounding contactable surface of any structural element of the system. * * *

On August 5, 1996, Mr. John Lord of The Booster Seat Company of Hamilton, New Zealand, petitioned NHTSA to amend S5.1.1(a) to permit fractures or cracks in belt-positioning booster seats that are made from polystyrene. The petitioner believes polystyrene has ''superior cushioning qualities'' compared to blow molded plastic, yet acknowledges that ''by nature of the material'' may fracture or crack in a manner prohibited by the system integrity requirement of S5.1.1(a). The petitioner did not believe the edges would harm by ''pinching, cutting or stabbing the child'' because with polystyrene, ''[b]y nature, all cracked edges are soft.'' The petitioner suggested that NHTSA should amend S5.1.1.(a) for belt-positioning seats, to allow for separation of the structural elements so long as a sharpness limit is met for the edges formed by the separation.

NHTSA is denying the petition because the structural integrity requirement addresses more than the sharpness of exposed edges formed by a separation of materials. The requirement ensures the structural soundness of a restraint in a crash. Structural soundness in a crash is important for maintaining the proper positioning of the child. A belt-positioning booster seat lifts the child so that the vehicle shoulder belt is positioned on the child's shoulder and away from the face and neck and the lap belt is across the child's hips and off of the abdomen. A loss of structural integrity of a booster seat during impact can result in the repositioning of the child in relation to the belts. If the belts were to be repositioned on the child's neck or abdomen, high forces could be imposed on those vulnerable regions, resulting in injury. Because neck and abdominal loading are not measured by the 3-year-old and 6-year-old dummies used in Standard 213's compliance tests to evaluate booster seats, a booster seat could meet the standard's performance criteria (aside from the integrity requirement) and still pose a safety risk for children.

It is also noted that revising S5.1.1(a) as the petitioner suggested may also affect the structural soundness of a restraint over the long term. A polystyrene child seat could easily be penetrated by sharp objects and cracked or fractured during use in a vehicle or during ordinary handling. Once a crack has formed in the material, it may quickly propagate due to the nature of the material, so that a child seat could be easily snapped apart along a crack line. This damage and degradation of the material could significantly reduce the performance of the restraint. Further, fractures in the polystyrene are not easily seen. The material itself appears pocketed and lined with tiny fissures, and crack lines due to material failure may not be obvious. Not enough is known at this time about these potential concerns to warrant reducing the system integrity requirements of the standard as requested.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking proceeding. Accordingly, the petition is denied.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on April 14, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–10299 Filed 4–17–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

[I.D. 052493B]

Endangered and Threatened Species; Proposed Threatened Status for Johnson's Seagrass

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of reopening of comment period

SUMMARY: The National Marine Fisheries Service (NMFS), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period on the proposed listing of Johnson's seagrass, *Halophila johnsonii* as a threatened species. The comment period has been reopened to provide opportunity for public comment since the close of the original comment period on December 14, 1993.

DATES: The public comment period, which originally closed on December 14, 1993, now closes June 4, 1998.

ADDRESSES: Comments and requests for copies of the technical workshops proceedings and references should be sent to the Chief, Endangered Species Division (F/PR3), Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Donna Brewer, F/PR3, NMFS, (301) 713–1401, or Colleen Coogan, Southeast Region, NMFS, (813) 570–5312.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1993, NMFS published a proposed rule to list Johnson's seagrass as a threatened species (58 FR 48326). Designation of critical habitat was subsequently proposed on August 4, 1994 (59 FR 39716). A public hearing on both the proposed listing and critical habitat