to file an adverse comment is received, RSPA will issue a timely notice in the **Federal Register** to confirm that fact and withdraw the direct final rule in whole or in part. According to the procedures, an adverse comment is one that explains why the rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. Comments that are frivolous or insubstantial are not adverse. A comment recommending a rule change in addition to the rule is not an adverse comment, unless the commenter states why the rule would be ineffective without the additional change.

As discussed below, we received six comments on the direct final rule. We do not consider any of the comments to be adverse comments under the direct final rule procedures. Consequently, we are publishing this document to confirm the effective date announced in the direct final rule.

The Chevron Pipe Line Company and the American Petroleum Institute commended the action. However, the other four commenters, though supportive of the direct final rule in concept, expressed concerns about application of the new rules.

The Southern Natural Gas Company and its affiliate, Sea Robin Pipeline Company (hereafter collectively ''SONAT''), noted that new rules intended to exclude certain producer-operated OCS pipelines from DOT regulations would conflict with existing rules that already exclude certain offshore pipelines. Because the direct final rule did not alter these existing rules, SONAT recommended changes to them to remove the conflict. For example, SONAT suggested we revise 49 CFR 192.1(b)(1), which excludes from DOT regulations offshore gas pipelines located upstream from certain production facilities, to apply only shoreward of the OCS.

In its comments, SONAT did not describe the conflict it perceived, and we believe that none exists. The new OCS exclusionary rules are fully compatible with the existing offshore exclusionary rules. Each exclusion applies independently. So, if a producer-operated OCS pipeline is excluded from DOT regulation by a new OCS exclusionary rule, that exclusion is not negated if the pipeline is not also excluded by an existing offshore exclusionary rule. Further, the existing offshore exclusionary rules are needed to maintain the jurisdictional limits of DOT regulations over those producer-operated offshore pipelines not covered by the MOU and the direct final rule.

In addition, SONAT suggested we revise the new OCS exclusionary rules, each of which was inserted in a list of other exclusions, to be ''grammatically harmonious'' with the list. SONAT recommended word changes to make the new entries responsive to the introductory clause of the list. Although we appreciate the need for these suggested changes, they are editorial in nature and not essential to make the direct final rule effective or substantively valid. We will make the necessary editorial changes in a future rulemaking action.

Finally, SONAT pointed out that the new rules on identifying transfer points did not provide a compliance deadline for installing durable markers. The preamble of the direct final rule mentioned that operators would have 60 days after the rules become final to durably mark transfer points. SONAT suggested we revise the rules so the deadline for marking transfer points not identifiable by durable marking—September 15, 1998—applies to marking all identified transfer points. This single deadline, SONAT said, would eliminate confusion, simplify the rules, and provide enough time for consultation and proper marking. We agree that the rules text is somewhat at variance with the preamble, but not in a way that increases the burden on operators. In the absence of a specific deadline for installing durable markers, we construe the new rules on identifying transfer points to require that all identified points be marked, either durably or schematically, by September 15, 1998.

The Offshore Operators Committee, representing 87 companies, and the Chevron U.S.A. Production Company commented on a situation not covered by the MOU or the direct final rule: namely, producer-operated pipelines that run from the OCS to state territory with no transfer of operating responsibility. There is no question the state portion of these producer-operated pipelines comes under DOT regulations. But these commenters thought the direct final rule was unclear whether DOT or DOI regulations cover the OCS portion. The commenters asked that we revise the direct final rule to clarify that DOT regulations cover the OCS portion of the producer-operated pipelines so that DOT regulations apply to the entire pipeline.

The direct final rule applies only to OCS pipelines on which there is a transfer of operating responsibility from a producing operator to a transporting operator. So producer-operated OCS pipelines regulated by DOT on which there is no transfer of operating responsibility will remain under DOT regulations and may also be subject to DOI regulations. But DOI has indicated it is modifying its MOU implementation rule to address the potential dual regulation of pipelines extending downstream (shoreward) of production facilities on the OCS. Also, the commitment of DOT and DOI to develop more compatible regulations should serve to mitigate regulatory problems that arise when OCS pipelines cross the jurisdictional boundary between the two agencies. Therefore, although the commenters' suggestions are beyond the scope of the direct final rule and are not necessary to make the rule effectual, in view of the cooperative efforts of the two agencies, we believe the difficulties the commenters foresaw will be minimal.

Only the Administrator of RSPA has been delegated authority to issue final rules on pipeline safety. The direct final rule on OCS pipelines was issued by the Associate Administrator for Pipeline Safety. My signature below affirms that I subscribe to that action and to the direct final rule.

Issued in Washington, D.C. on March 10, 1998.

**Kelley S. Coyner,**

*Acting Administrator.*

[FR Doc. 98–6629 Filed 3–13–98; 8:45 am]

BILLING CODE 4910–60–P

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No. NHTSA–98–3387]**

**RIN 2127–AF96**

## Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking

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

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** This document responds to petitions for reconsideration of final rules that amended Standard No. 105, *Hydraulic Brake Systems*, to require medium and heavy vehicles to be equipped with an antilock brake system (ABS). In response to the petitions, this document permits hydraulically-braked vehicles with a gross vehicle weight rating (GVWR) greater than 10,000 pounds but less than 19,501 pounds to be equipped with a single wheel speed sensor in the driveline to control wheel

slip at the drive axle and permits rear tag axles to lock up. Additionally, this document allows motor homes with a GVWR of 22,500 pounds or less to use a single rear drive axle wheel speed sensor if they are manufactured before March 1, 2001, after which date new motor homes must meet the same ABS requirements as other hydraulically-braked trucks and buses.

**DATES:** *Effective Dates:* The amendments to 49 CFR 571.105 are effective March 1, 1999. Petitions for Reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than April 30, 1998.

**ADDRESSES:** Petitions for reconsideration of this rule should refer to the above referenced docket numbers and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Samuel Daniel, Jr., Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; Telephone (202) 366–4921, Fax (202) 366–4329.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

I. Background
II. Petitions for Reconsideration of the December 1995 Final Rule
III. NHTSA's Response to Petitions for Reconsideration Related to Standard No. 105
A. Control of Rear Wheel Slip
B. Application of ABS to Non-Powered, Rear Tag Axles
C. ABS Malfunction Lamp Activation Protocol

## I. Background

Section 4012 of the Motor Carrier Act of 1991 [1] directed the Secretary of Transportation to initiate rulemaking concerning methods for improving the braking performance of new commercial motor vehicles, including trucks, tractors, trailers, and dollies. Congress specifically directed that such a rulemaking examine antilock systems, means of improving brake compatibility, and methods of ensuring effectiveness of brake timing. The Act required that the rulemaking be consistent with the Motor Carrier Safety Act of 1984 (49 U.S.C. 31136) and be carried out pursuant to, and in accordance with the National Traffic and Motor Vehicle Safety Act of 1966.[2]

On March 10, 1995, NHTSA issued final rules requiring medium and heavy vehicles [3] to be equipped with an antilock brake system (ABS) to improve their directional stability and control during braking. (60 FR 13216, 60 FR 13297) These final rules also reinstated stopping distance requirements for air-braked heavy vehicles and established stopping distance requirements for hydraulically-braked heavy vehicles. In addition to the ABS requirement, the March 1995 final rule specified requirements about the electrical powering of trailer ABS and ABS malfunction indicators. In response to petitions for reconsideration of these requirements, NHTSA published a final rule that affirmed its decision to require these features. (60 FR 63965, December 13, 1995).

## II. Petitions for Reconsideration of the December 1995 Final Rule

NHTSA received petitions for reconsideration of the December 1995 amendments to the final rule from the American Trucking Associations (ATA), which represents trucking fleets, the National Private Truck Council (NPTC), which represents private trucking fleets, the Truck Manufacturers Association (TMA) [4], which represents truck manufacturers, the Truck Trailer Manufacturers Association (TTMA), which represents trailer manufacturers, the Heavy Duty Brake Manufacturers Council (HDBMC) [5], which represents heavy duty brake component manufacturers, Midland-Grau, Kelsey-Hayes, Rockwell WABCO, Vehicle Enhancement Systems (VES), AlliedSignal, General Motors (GM), Ford, and the Recreational Vehicle Industry Association (RVIA).

Most of the petitions focused on issues associated with Standard No. 121's requirements on the electrical powering of trailer ABS and the in-cab display of trailer ABS malfunctions. Those issues were addressed in a final rule published on February 15, 1996. (61 FR 5949)

Petitions submitted by Ford, GM, Kelsey-Hayes, and RVIA addressed issues associated with Standard No. 105, including the control of rear wheel slip, the application of ABS to non-powered rear tag axles, and the ABS malfunction lamp protocol. The February 1996 final rule stated that it was deferring a response to these petitions because they addressed issues associated with Standard No. 105. Today's notice addresses the concerns raised by those petitioners.

## III. NHTSA's Response to Petitions for Reconsideration Related to Standard No. 105

### *A. Control of Rear Wheel Slip*

In the March 1995 final rule, NHTSA required that each hydraulically-braked vehicle with a GVWR greater than 10,000 pounds be ''equipped with an antilock brake system that directly controls the wheels of at least one front axle and the wheels of at least one rear axle of the vehicle.''

In the December 1995 final rule that responded to petitions for reconsideration from Chrysler, Kelsey-Hayes, and the American Automobile Manufacturers Association (AAMA), NHTSA amended Section S5.5.1 by adding the following provision: ''On each vehicle with a GVWR greater than 10,000 pounds but not greater than 12,000 pounds, the antilock brake system may also directly control the wheels of the drive axle by means of a single sensor in the driveline.'' Chrysler stated that all its pickup trucks in the 10,000–12,000 pound GVWR class had successfully used the driveline wheel speed sensor arrangement. Notwithstanding NHTSA's decision to allow this sensing arrangement on hydraulically-braked trucks up to 12,000 pounds, the agency emphasized that such an arrangement would not be appropriate for heavier air-braked trucks, because greater braking efficiency is typically required at the rear wheels of such air-braked vehicles than on medium vehicles. This is because air-braked vehicles typically are heavier and have greater load carrying capacity.

In response to the December 1995 final rule, GM, Ford, and Kelsey-Hayes asked NHTSA to revise section S5.5.1 of Standard No. 105. Ford first requested that the 12,000-pound limit allowing driveline wheel speed sensors be raised to 17,500 pounds and then to 20,500 pounds. Kelsey-Hayes requested a 17,500-pound limit for driveline sensors. GM requested a 16,500-pound limit; that company also cited the April 1995 AAMA petition for reconsideration requesting that the agency either exempt all hydraulically-braked vehicles from the requirement for two independent rear wheel sensors, or exempt all hydraulically-braked vehicles under

[1] The Motor Carrier Act is part of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Pub. L. 102–240.

[2] Now codified as 49 U.S.C 30101 *et seq.* (Safety Act)

[3] The document uses the term heavy vehicles to refer to medium and heavy vehicles.

[4] TMA member companies include Ford, Freightliner, General Motors, Mack Trucks, Navistar International, PACCAR, and Volvo GM Heavy Truck.

[5] HDBMC member companies include Abex, AlliedSignal, Eaton, Midland-Grau, Ferodo America, Haldex, Lucas, MGM Brakes, Motion Control/Carlisle, Rockwell, Rockwell WABCO, and Spicer/Dana.

16,500 pounds GVWR from the ABS mandate.

Each petitioner stated that the 12,000-pound limit for allowing driveline sensors was not high enough to include their medium trucks that have the same type of driveline sensor as Chrysler's sensor. Ford stated that its F-Series chassis, including the F–350, the E–350, and the E–Super duty vehicles have GVWRs up to 11,000, 12,500, and 14,050 pounds, respectively. GM stated that its GMC Sierra 3500 HD chassis cab and the Chevrolet 3500 HD chassis cab can be configured to GVWRs up to 15,000 pounds, while its P–30 forward control chassis will soon be available up to 16,500 pounds GVWR. Kelsey-Hayes stated that it has supplied a single driveline sensor to GM since 1992 for use on trucks with GVWRs up to 17,500 pounds.

In June 1996, GM and Ford [6] supplemented their January 1996 petitions for reconsideration, with additional information about driveline sensors. They asked that the upper GVWR limit be eliminated completely and that all ABS-equipped hydraulically-braked vehicles, regardless of GVWR, be allowed to have a single sensor in the driveline to control wheel slip at both rear wheels. In support of their position, GM and Ford tested a light duty truck that was configured and equipped to have a 20,500 pound GVWR. The truck was fitted with a three-sensor, three-modulator (3S/3M) ABS that uses a single driveline rear wheel speed sensor. The vehicle was lightly loaded to 8838 pounds (the worst case condition) and subjected to a 30-mph brake-in-a-curve test similar to, but more stringent than Standard No. 121's brake-in-a-curve test for air-braked truck tractors. The petitioner's testing was more stringent given that it was conducted on a curve with a lower radius of curvature ( a 420-foot radius curve rather than a 500-foot one), and on a slippier road surface (a surface with a 0.39 peak friction coefficient (PFC) rather than a 0.50 PFC one). The testing indicated that the single driveline sensor provided an acceptable reading of the individual rear wheel speeds, resulting in the vehicle remaining stable and within the lane throughout the test.

NHTSA agrees with the petitioners that these test results demonstrate that a 3S ABS with a single rear driveline sensor provides satisfactory safety performance for medium duty hydraulically-braked vehicles. The agency has added the term ''rear'' to the sentence in S5.5.1 addressing ABS requirements to assure that a single drive axle sensor is not installed on a front driveline axle. However, the agency is not willing to eliminate the GVWR limit since there are hydraulically-braked trucks with a GVWR in excess of 26,000 pounds and the petitioners provided no 3S ABS braking stability and control test data to support the allowance of 3S ABS for these trucks. The petitioners' test results indicate that the braking stability and control of hydraulically-braked trucks with relatively high GVWRs, up to 20,500 pounds, is not compromised if a manufacturer uses an ABS control strategy that employs a single rear driveline wheel speed sensor in lieu of a control strategy employing direct control of each individual rear wheel.

Accordingly, this rule permits 3S ABS on hydraulically-braked vehicles up to 19,500 pounds GVWR, a breakpoint in the existing vehicle weight class system used by State vehicle inspectors and the trucking industry generally. A GVWR of 19,500 pounds, the upper limit of Class 5, will avoid introducing a unique breakpoint for this 3S ABS requirement that differs from the breakpoints used for other regulatory requirements. The 19,500-pound GVWR limit chosen for this requirement is also slightly less than the test weight of the vehicle used in braking stability and control tests cited by the petitioners.

By allowing 3S ABS on hydraulically-braked vehicles up to 19,500 pounds GVWR, NHTSA has addressed almost all the concerns expressed by the petitioners. However, the American Automobile Manufacturers Association (AAMA) provided additional information in a letter and videotape forwarded to the agency on July 29, 1997. The tape shows a motor home with a GVWR of 22,500 pounds ballasted to 26,000 pounds (the breakpoint for Class 6 vehicles) successfully completing braking-in-a-curve testing similar to the braking stability and control testing required in Standard No. 121 for truck tractors. This testing was performed on dry asphalt and wet jennite by Kelsey-Hayes at its vehicle development center. NHTSA staff followed this up by attending a supplementary demonstration of motor home stability and control during braking at General Motors' test track in November 1997.

The AAMA originally asked that these test results be used to permit extending 3S ABS to all Class 6 hydraulically-braked vehicles (GVWR of up to 26,000 pounds). However, when NHTSA asked for information about what difficulties were posed by using the generally-required 4S ABS for Class 6 vehicles, AAMA responded that the problems were for motor homes only, not other Class 6 vehicles. GM provided information for its P-chassis, which is used for 9,000 to 10,000 motor homes annually. The P-chassis, which currently uses a 3S ABS, can be used to manufacture a completed motor home with a 22,500-pound GVWR. GM will modify this chassis to use a 4S ABS system, but the modifications won't be ready for production chassis for a few years. In the meantime, GM would have to stop offering this chassis for use by the motor home industry. Since there are no substitute motor home chassis in this GVWR range that offer 4S ABS, these vehicles would in effect be temporarily forced out of the market. RVIA argued that this would be an unfair burden, because these motor homes are produced in very limited quantities (9,000–10,000 per year) by small businesses. RVIA also argued that these vehicles are generally driven only for vacationing and camping.

In response to these arguments and information, NHTSA believes it is appropriate to allow motor homes with a GVWR greater than 19,500 pounds to use a 3S ABS system. To prevent the economic hardship of forcing motor home manufacturers to discontinue production for a few years until appropriate 4S ABS chassis are available, the agency will allow 3S ABS motor homes for a limited period of time. However, NHTSA has no information indicating any difficulties for vehicles other than motor homes in the 19,500 to 26,000 pound GVWR range (Class 6 vehicles) in meeting the 4S ABS requirements. Hence, all Class 6 vehicles other than motor homes will be required to provide 4S ABS.

For the purposes of this 3S ABS rulemaking, NHTSA is defining the term ''motor home'' the same way that term has been defined in Standard No. 208. Thus, a ''motor home'' for purposes of Standard No. 105 will mean ''a motor vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110–125 volt electric power supply and/or an LP gas supply.''

NHTSA believes it can accommodate the needs of motor home manufacturers while assuring that these vehicles will transition quickly to the same braking systems as other vehicles in their GVWR

[6] Kelsey-Hayes and RVIA have stated their concurrence with this position.

range for the following reasons. First, the GM P-chassis, with a GVWR of 22,500 pounds, is the largest hydraulically-braked motor home chassis to use a 3S ABS. Any greater capacity motor home chassis would be newly designed. NHTSA believes it is reasonable to require newly designed Class 6 chassis to use a 4S ABS system. Second, the motor home industry needs a transition period to move from 3S ABS on Class 6 vehicles to 4S ABS on those vehicles. GM, the manufacturer of the P-chassis, has stated to NHTSA that GM will move to install 4S ABS on this vehicle in the next few years. Given these circumstances, NHTSA will permit motor homes with a GVWR between 19,501 pounds and 22,500 pounds to use a 3S ABS system on vehicles manufactured before March 1, 2001. This will give GM and other motor home chassis manufacturers three years to develop and install 4S ABS, thus minimizing the burden on both vehicle chassis and motor home manufacturers. All new motor homes manufactured on or after March 1, 2001 with a GVWR of more than 19,500 pounds will be required to provide the 4S ABS system required on other vehicles.

Since 3S ABS will be allowed on motor homes with a GVWR between 19,500 pounds and 22,500 pounds, it is important that the incomplete vehicle manufacturer of a chassis equipped with 3S ABS include in the statement of specific conditions of final manufacturer (Part 568.4(a)(7)(ii)) that only if the completed vehicle is a motor home, will it conform to the standard. Completed vehicles in the specified GVWR range, other than motor homes, will not conform to the standard, if the incomplete chassis is equipped with a 3S ABS.

*B. Application of ABS to Non-Powered, Rear Tag Axles*

In its January 29, 1996 petition, RVIA requested that the ABS requirement not apply to hydraulically-braked motor homes with tag axles and GVWRs greater than 10,000 pounds. Tag axles are non-liftable, non-powered axles that are fitted, either in front of or behind the rear axle of the vehicle, by the second-stage vehicle manufacturer. Tag axles improve a vehicle's balance and increase its carrying capacity. RVIA stated that there is no way to apply antilock capability to tag axles added to a vehicle chassis by second-stage vehicle manufacturers, such as RVIA members. RVIA stated that less than 3000 vehicles per model year have a tag axle. It further stated that brake and tag axle manufacturers are reluctant to design, develop, and test ABS systems for such a limited application.

In its June 24, 1996 supplement to its original petition, RVIA stated that it would support a requirement for ABS on hydraulically-braked motor homes, provided that a single driveline rear wheel speed sensor is permitted and that the no-wheel-lockup requirement did not apply to tag axles. With respect to tag axles, RVIA cited tests conducted by GM and Kelsey/Hayes on a GM P–30 motor home chassis with a GVWR of 19,500 pounds. In the tests, the vehicle was lightly loaded (16,500 pounds), and driven at a speed of 25 mph (75 percent of the vehicle's maximum drive-through speed) through a 500-foot radius curve on a wetted jennite surface. The vehicle was also tested fully loaded, on a high to low coefficient of friction transition test (asphalt to ice). While the vehicle's tag axle (which was not controlled by ABS) locked when brakes were applied, the vehicle's ABS modulated the brakes and wheel speeds on the vehicle's powered drive axle and its steering axle. The vehicle remained stable and under control throughout both stops, despite the fact that the tag axle's wheels were locked.

The agency has received many requests for clarification of the ABS requirements for heavy-duty, single unit vehicles with regard to the number of axles that require ABS sensors. For heavy-duty single unit vehicles, the standard requires ABS control on only one rear axle, regardless of the number of rear axles and regardless of whether the axles are installed as a tag or pusher axle by a final stage manufacturer. To clarify this, the agency has added a definition for the term ''tandem axle,'' which means an arrangement of axles, drive or non-drive, in close proximity to each other. Hence, if a manufacturer chooses to install ABS on the drive axle of a tandem but not on the non-drive (tag or pusher) axle, the wheel lock restrictions would still be able to be met without ABS on the tag or pusher axle. The current wheel lock restrictions allow any two wheels on a tandem axle (including two wheels on the tag axle) to lock-up for any duration. Based on the foregoing, and on the test results mentioned by RVIA, the agency has determined that it is not necessary to equip a tag axle with ABS to comply with the wheel lock restriction requirements. The agency notes that, even though the tag axle wheels locked when the motor home's brakes were applied, the vehicle remained stable within the travel lane throughout the stopping maneuvers. As RVIA stated, tag axles that are added to these type vehicles typically do not carry a significant portion of the vehicle's overall weight. These considerations indicate that there are no negative stability consequences if such axles lock-up.

*C. ABS Malfunction Lamp Activation Protocol*

In its January 1996 petition for reconsideration, Kelsey-Hayes requested that NHTSA reconsider the final rule's activation protocol requirements for ABS malfunction warning lamps. That company requested that the malfunction warning lamp be allowed to remain activated (i.e., ''on'' or lighted) during a low speed drive away to verify that the vehicle's wheel speed sensors were properly functioning.

NHTSA has decided not to amend the ABS activation lamp protocol. The agency notes that in support of its request, Kelsey-Hayes did not provide any new data or reasoning, beyond that which was available to the agency prior to the issuance of the March 10, 1995 final rule. At that time, the agency noted that it had considered all the information available on this issue, and had concluded that standardization of the activation protocol was warranted for the following reasons. First, a standardized protocol would enable Federal and State safety inspection personnel to determine the operational status of ABSs without having to move the vehicle. Second, it would preclude confusion among heavy vehicle drivers relative to how this type of lamp functions. Third, standardization would be consistent with ECE requirements on this subject and would, therefore, be consistent with the goal of international harmonization. Given that there is no new information to reverse its previous decision, the agency has decided not to modify the activation protocol requirements.

## IV. Rulemaking Analyses and Notices

*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impacts of this rulemaking action and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. In connection with the March 1995 final rules, the agency prepared a Final Economic Assessment (FEA) describing the economic and other effects of this rulemaking action. Summary discussions of those effects were provided in the ABS final rule. For persons wishing to examine the full analysis, a copy is in the docket.

The amendments in today's final rule do not make those effects any more stringent, and in some respects, they make it easier for a manufacturer to comply with them. Specifically, by allowing the use of a single driveline sensor to control rear wheel speeds and allowing wheels on tag axles to lock during testing, vehicle manufacturers will have more flexibility to comply with the requirements of this rule and, as a result, costs could be reduced.

*B. Regulatory Flexibility Act*

NHTSA has also considered the effects of both this final rule and the original final rule under the Regulatory Flexibility Act. I hereby certify that it will not have a significant economic impact on a substantial number of small entities. Accordingly, the agency has not prepared a final regulatory flexibility analysis.

NHTSA concluded that the March 1995 final rule had no significant impact on a substantial number of small entities. Thus, today's final rule, which could potentially reduce costs associated with the March 1995 final rule, will not have a significant economic impact on a substantial number of small entities.

*C. National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

*D. Executive Order 12612 (Federalism)*

NHTSA has analyzed this action under the principles and criteria in Executive Order 12612. The agency has determined that this notice does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. No State laws will be affected.

*E. Civil Justice Reform*

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending Standard No. 105, *Hydraulic Brake Systems* in Title 49 of the Code of Federal Regulations at Part 571 as follows:

## PART 571—[AMENDED]

1. The authority citation for Part 571 continues to read as follows:

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

2. Section 571.105 is amended by adding the definitions of ''motor home'' and ''tandem axle'' in S4 and by revising S5.5.1, to read as follows:

**§ 571.105 Standard No. 105; Hydraulic and electric brake systems.**

* * * * *

S4. Definitions.

* * * * *

*Motor home* means a motor vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110–125 volt electric power supply and/or an LP gas supply.

* * * * *

*Tandem axle* means a group of two or more axles placed in close arrangement one behind the other with the center lines of adjacent axles not more than 72 inches apart.

* * * * *

S5.5.1 Each vehicle with a GVWR greater than 10,000 pounds, except for any vehicle with a speed attainable in 2 miles of not more than 33 mph, shall be equipped with an antilock brake system that directly controls the wheels of at least one front axle and the wheels of at least one rear axle of the vehicle. On each vehicle with a GVWR greater than 10,000 pounds but not greater than 19,500 pounds and motor homes with a GVWR greater than 10,000 pounds but not greater than 22,500 pounds manufactured before March 1, 2001, the antilock brake system may also directly control the wheels of the rear drive axle by means of a single sensor in the driveline. Wheels on other axles of the vehicle may be indirectly controlled by the antilock brake system.

* * * * *

Issued on: February 23, 1998.

**Ricardo Martinez,**

*Administrator.*

[FR Doc. 98–6522 Filed 3–13–98; 8:45 am]

BILLING CODE 4910–59–P

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**RIN 1018–AC63**

## Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Five Freshwater Mussels and Threatened Status for Two Freshwater Mussels From the Eastern Gulf Slope Drainages of Alabama, Florida, and Georgia

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) determines five freshwater mussels, the fat threeridge (*Amblema neislerii*), shinyrayed pocketbook (*Lampsilis subangulata*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), and oval pigtoe (*Pleurobema pyriforme*) to be endangered species, and two freshwater mussels, the Chipola slabshell (*Elliptio chipolaensis*) and purple bankclimber (*Elliptoideus sloatianus*) to be threatened species under the Endangered Species Act of 1973, as amended (Act). These mussels are endemic to eastern Gulf Slope streams draining the Apalachicolan Region of southeast Alabama, southwest Georgia, and north Florida. Their center of distribution is the Apalachicola-Chattahoochee-Flint (ACF) River basin of southeast Alabama, southwest Georgia, and northwest Florida, and the Ochlockonee River system of southwest Georgia and northwest Florida. They are currently known from restricted portions of from one to four independent river systems. These species inhabit stable sandy and gravelly substrates in medium-sized streams to large rivers, often in areas swept free of silt by the current. The abundance and distribution of the seven mussel species decreased historically from habitat loss associated with reservoir construction, channel construction and maintenance, and