horizontal plane located 1,900 mm (75 inches) above the ground, and between
a transverse vertical plane tangent to the rear extremity of the vehicle and a
transverse vertical plane located 305 mm (12 inches) forward of that plane
when the vehicle is unloaded; its fuel tanks are full; and the tires (and air
suspension, if so equipped) are inflated in accordance with the manufacturer’s
recommendations. Non-structural protrusions such as taillights, hinges and latches are excluded from the
determination of the outermost point.
* * * * *

Special purpose vehicle. A trailer or semitrailer having work-performing
equipment that, while the vehicle is in transit, resides in or moves through the
area that could be occupied by the horizontal extremity of the rear impact
guard, as defined by the guard width,
height and rear surface requirements of § 571.224 (paragraphs S5.1.1 through
S5.1.3).

Wheels back vehicle. A trailer or
semitrailer whose rerearmost axle is
permanently fixed and is located such that the rerearmost surface of the tires (of
the size recommended by the vehicle
manufacturer for the rear axle) is not
more than 305 mm (12 inches) forward
of the transverse vertical plane tangent
to the rear extremity of the vehicle.

3. Section 393.86 is revised to read as follows:
§ 393.86 Rear impact guards and rear end
protection.
(a) General requirements for trailers and
semitrailers manufactured on or
after January 26, 1998. Each trailer and
semitrailer with a gross vehicle weight
erating of 4,536 kg (10,000 pounds) or
more, and manufactured on or after
January 26, 1998, must be equipped
with a rear impact guard that meets the
requirements of Federal Motor Vehicle
Safety Standard No. 223 (49 CFR
571.223) in effect at the time the vehicle
was manufactured. When the rear
impact guard is installed on the trailer
or semitrailer, the vehicle must, at a
minimum, meet the requirements of
FMVSS No. 224 (49 CFR 571.224) in
effect at the time the vehicle was
manufactured. Trailers and semitrailers
subject to this paragraph must meet the
requirements of paragraphs (b) through
(f) of this section. The requirements of
paragraphs (a) through (f) do not apply
to pole trailers (as defined in § 390.5);
pulpwood trailers, low chassis trailers,
special purpose trailers, wheels back
trailers (as defined in § 393.5); and
trailers towed in driveaway-towaway
operations (as defined in § 390.5).
(b) Impact guard width. The
outermost surfaces of the horizontal
member of the guard must extend to
within 100 mm (4 inches) of the side
extremities of the vehicle. The
outermost surface of the horizontal
member shall not extend beyond the
side extremity of the vehicle.
(c) Guard height. The vertical distance
between the bottom edge of the
horizontal member of the guard and the
ground shall not exceed 560 mm (22
inches) at any point across the full
width of the member. Guards with
rounded corners may curve upward
within 255 mm (10 inches) of the
longitudinal vertical planes that are
tangent to the side extremities of the
vehicle.
(d) Guard rear surface. At any height
560 mm (22 inches) or more above the
ground, the rerearmost surface of the
horizontal member of the guard must be
within 305 mm (12 inches) of the rear
extremity of the vehicle. This paragraph
shall not be construed to prohibit the
rear surface of the guard from extending
beyond the rear extremity of the vehicle.
Guards with rounded corners may curve
forward within 255 mm (10 inches) of the
two extremities.
(e) Cross-sectional vertical height. The
horizontal member of each guard must
have a cross sectional vertical height of
at least 100 mm (3.94 inches) at any
point across the guard width.
(f) Certification and labeling
requirements for rear impact protection
guards. Each rear impact guard used to
satisfy the requirements of paragraph (a)
of this section must be permanently
marked or labeled as required by
FMVSS No. 223 (49 CFR 571.223, S5.3).
The label must be on the forward-facing
surface of the horizontal member of the
vehicle, 305 mm (12 inches) inboard of
the right end of the guard. The
certification label must contain the
following information:
(1) The impact guard manufacturer’s
name and address;
(2) The statement “Manufactured in
inserting the month and year
that the guard was manufactured); and,
(3) The letters “DOT”, constituting a
certification by the guard manufacturer
that the guard conforms to all
requirements of FMVSS No. 223.
(g) Requirements for motor vehicles
manufactured after December 31, 1952
(except trailers or semitrailers
manufactured on or after January 26,
1998). Each motor vehicle manufactured
after December 31, 1952, (except of
truck tractors, pole trailers, or vehicles
in driveaway-towaway operations) in
which the vertical distance between the
rear bottom edge of the body (or the
chassis assembly if the chassis is the
rearmost part of the vehicle) and the
ground is greater than 76.2 cm (30
inches) when the motor vehicle is
empty, shall be equipped with a rear
impact guard(s). The rear impact
guard(s) must be installed and
maintained in such a manner that:
(1) The vertical distance between the
bottom of the guard(s) and the ground
does not exceed 76.2 cm (30 inches)
when the motor vehicle is empty;
(2) The maximum distance between the
closest points between guards, if
more than one is used, does not exceed
61 cm (24 inches);
(3) The outermost surfaces of the
horizontal member of the guard are no
more than 45.7 cm (18 inches) from
each side extremity of the motor
vehicle;
(4) The impact guard(s) are no more
than 61 cm (24 inches) forward of the
rear extremity of the motor vehicle.
(h) Construction and attachment. The
rear impact guard(s) must be
substantially constructed and attached
by means of bolts, welding, or other
comparable means.
(i) Vehicle components and structures
that may be used to satisfy the
requirements of paragraph (g) of this
section. Low chassis vehicles, special
purpose vehicles, or wheels back
vehicles constructed and maintained so
that the body, chassis, or other parts of
the vehicle provide the rear end
protection comparable to impact
guard(s) conforming to the requirements
of paragraph (g) of this section shall be
considered to be in compliance with
those requirements.
[FR Doc. 98–12753 Filed 5–13–98; 8:45 am]
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DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
RIN 1018–AE86
Endangered and Threatened Wildlife
and Plants; Notice of Public Hearing
on Proposed Endangered Status for
Devils River Minnow (Dionda diaboli)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public
hearing.

SUMMARY: The U.S. Fish and Wildlife
Service (Service) gives notice that a
public hearing will be held on the
proposed determination of endangered
status for the Devils River minnow
(Dionda diaboli). This fish is found in
Val Verde and Kinney counties, Texas, and Coahuila, Mexico. All interested parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 5:30 p.m. to 8 p.m. on May 28, 1998, in Del Rio, Texas. The comment period closes July 27, 1998.

ADDRESSES: The public hearing will be held at the Freshmen School Cafeteria of the San Felipe-Del Rio Independent School District, located at 90 Memorial Drive in Del Rio, Texas. Written comments and materials concerning the proposal should be sent to the Field Supervisor, Austin Ecological Services Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nathan Allan, Fish and Wildlife Biologist (see ADDRESSES section) (telephone 512/490-0057; facsimile 512/490-0974).

SUPPLEMENTARY INFORMATION:

Background

The current range of the Devils River minnow is limited to three stream systems in Val Verde and Kinney counties, Texas, and one drainage in Coahuila, Mexico. The species' range has been significantly contracted and fragmented. In addition, the numbers of Devils River minnows collected during fish surveys has declined dramatically over the past 25 years; the species has declined from one of the most abundant fish to one of the least abundant. Based on the current information, the decline of the species in both distribution and abundance may be attributed in large part to the effects of habitat loss and modification and the introduction of nonnative fish into habitats of the Devils River minnow.

On March 27, 1998, the Service published a proposed rule to list the Devils River minnow as endangered under the Endangered Species Act (Act) of 1973, as amended. Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the proposal's publication in the Federal Register. Because of the past public interest in the listing of this species, the Service opened the public comment period for 120 days and planned the public hearing in advance of a request.

The Service has scheduled this hearing for 5:30 p.m. to 8 p.m. on May 28, 1998, at the Freshmen School Cafeteria of the San Felipe-Del Rio Independent School District, located at 90 Memorial Drive in Del Rio, Texas. Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement to be presented to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits on the length of written comments presented at this hearing or mailed to the Service. Legal notices announcing the date, time and location of the hearing are being published in newspapers concurrently with this Federal Register notice.

The comment period on the proposal will remain open until July 27, 1998. Written comments may be submitted until that date to the Service office in the ADDRESSES section.

Author

The primary author of this notice is Nathan Allan (see ADDRESSES section) (telephone 512/490-0057; facsimile 512/490-0974).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).


Nancy M. Kaufman,
Regional Director, Fish and Wildlife Service.

Stone Crab Fishery of the Gulf of Mexico; Amendment 6

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 6 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP). Amendment 6 would extend, for up to 4 years, the existing temporary moratorium on the Federal registration of stone crab vessels. The intended effect is to provide additional time for the industry and Florida to develop and implement a limited access system for the fishery.

DATES: Written comments will be considered if received on or before June 29, 1998.

ADDRESSES: Send comments on the proposed rule to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Requests for copies of Amendment 6, which includes a regulatory impact review and an environmental assessment, should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 813-228-2815; Fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-570-5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 654.

Background

Final regulations implemented the FMP on September 30, 1979 (44 FR 53519), and apply only to the exclusive economic zone (EEZ) off Florida’s west coast (including Monroe County), the primary location of the directed stone crab fishery.

The original FMP required vessels to be registered by the appropriate state or Federal agency and assigned an identification number and color code for the vessel and gear. Federal regulations allowed fishermen to obtain a Federal identification number and color code from the NMFS Southeast Regional Office, if the applicant could not obtain an identification number and color code from Florida. However, the NMFS Southeast Regional Office has never issued an identification number and color code to anyone to participate in the stone crab fishery because fishermen could obtain them from Florida.

Amendment 5, implemented on April 14, 1995 (60 FR 13918), placed a 3-year moratorium (April 15, 1995 - June 30, 1998) on the Federal registration of stone crab vessels. The Council recommended, and NMFS approved and implemented, the Federal moratorium because the Florida Legislature passed a moratorium on the issuance of state permits effective July 1, 1995, while the Florida Marine Fisheries Commission (FMFC), in cooperation with the stone crab industry, considered development