

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 110 and 161****[CGD 94-108]****RIN 2115-AF24****Electrical Engineering Requirements for Merchant Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Correction to interim rule.

SUMMARY: This document contains corrections to the interim rule that was published June 4, 1996, as part of the President's Regulatory Reinvention Initiative. The interim rule amends the Coast Guard's electrical engineering regulations.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Mianta, Project Manager, Office of Design and Engineering Standards (G-MSE), (202) 267-2206.

SUPPLEMENTARY INFORMATION:**Background**

The interim rule that is the subject of these corrections amends the Coast Guard's electrical engineering regulations to reduce the regulatory burden on the marine industry, purge obsolete regulation, and replace prescriptive requirements with performance-based regulations that incorporate international standards.

Need for Correction

Based upon review of the interim rule by the Office of the Federal Register, the following corrections were identified as necessary to avoid confusion by the reader.

Correction of Publication

Accordingly, the publication on June 4, 1996, of the interim rule at 61 FR 28260, which was the subject of FR Doc. 96-13416, is corrected as follows:

§ 110.10-1 [Corrected]

1. On page 28273, in the list of National Fire Protection Association standards, in the list of sections affected for NFPA 70, National Electrical Code (NEC), after "111.50-3(c);", add "111.50-7;".

2. On page 28292, in the second column, the amendatory paragraph 217 should read as follows: 217. In § 161.002-10, in paragraph (b), revise the paragraph heading and paragraph (b)(1) to read as follows; in paragraph (b)(2), remove "signal" in the paragraph heading and add, in its place, "alarm" and remove "signals" and add, in its

place, "alarms"; in paragraph (b)(3), remove "signal" in the paragraph heading and add, in its place, "alarm", remove "fire bells" and add, in its place, "audible fire alarms", remove "fire bell" and add, in its place, "audible fire alarm", and remove "fire signal" and add, in its place, "fire alarm"; in paragraph (b)(4), remove "alarm signals simultaneously" and add, in its place, "alarms simultaneously", remove "fire alarm bells" and add, in its place, "audible fire alarms", and remove "succeeding fire alarm signals" and add, in its place, "succeeding sensor signals"; in paragraph (b)(5), remove "signals" and add, in its place, "alarms"; in paragraph (c)(3), remove "Fire bells" in the paragraph heading and add, in its place, "Audible fire alarms" and remove "fire bell" and add, in its place, "audible fire alarm"; in the heading to paragraph (d), remove "alarm signals" and add, in its place, "alarms"; in paragraph (d)(1), in the first sentence, remove "bell", in the second sentence, remove "power failure" and "bell", and, in the third sentence, remove "power failure alarm bell for" and add, in its place, "alarm of"; in paragraph (d)(2), in the paragraph heading, remove "signal" and add, in its place, "alarm" and remove "power failure alarm bell" and add, in its place, "audible power failure alarm"; in paragraph (e), in the paragraph heading, remove "alarm signals" and add, in its place, "alarms", in paragraph (e)(1), remove "bell or buzzer", and remove "fire alarm signal" and add, in its place, "fire alarm"; paragraph (e)(2) is revised to read as follows; in paragraph (e)(3), remove "alarm signals" and add, in its place, "alarms" and remove "alarm signal" and add, in its place, "alarm"; in paragraph (e)(4), remove "alarm signals" and add, in its place, "alarms"; in paragraph (f)(1), remove "fire alarm condition" and add, in its place, "fire condition"; and paragraphs (i) through (m) are removed:

§ 161.002-10 Automatic fire detecting system control unit.

* * * * *

(b) *Fire alarms*—(1) *General.* The operation of a fire detecting and alarm system must cause automatically—

(i) The sounding of a vibrating type fire bell with a gong diameter not smaller than 15 cm (6 inches) or other audible alarm that has an equivalent sound level and that is mounted at the control unit and at the remote annunciator panel, when provided;

(ii) The sounding of a vibrating type fire bell with a gong diameter not smaller than 20 cm (8 inches) or other audible alarm that has an equivalent

sound level and that is located in the engine room; and

(iii) an indication of the fire detecting zone from which the signal originated, visible at the control unit and at the remote annunciator panel, when provided;

* * * * *

(e) * * *

(2) *Silencing audible alarm.* Manual means shall be provided at the control unit to silence the audible alarm. Operation of the silencing means shall permit the visible alarm to remain until the trouble has been corrected.

* * * * *

Dated: September 17, 1996.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96-24355 Filed 9-20-96; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration**49 CFR Part 571****[Docket No. 92-29; Notice 11]****RIN 2127-AG06****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.

SUMMARY: This document amends Standard No. 121, *Air Brake Systems*, to specify the location, labeling, color, activation protocol, and photometric intensity of antilock brake system (ABS) malfunction indicator lamps on the exterior of trailers and trailer converter dollies. The purpose of the malfunction indicator lamp is to inform drivers, and maintenance and inspection personnel, of malfunctions in a trailer's ABS.

DATES: *Effective dates.* The amendments to 49 CFR 571.121 are effective March 1, 1997.

Compliance dates. Compliance with the amendments to paragraph S5.2.3.3 (b) will be required on and after March 1, 1998.

Incorporation by reference. The incorporation by reference of a publication listed in the regulation is approved by the Director of the Federal Register as of March 1, 1997.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than November 7, 1996.

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: *For non-legal issues:* Mr. Robert M. Clarke, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-5278.

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-2992.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Petitions for Reconsideration and Notice of Proposed Rulemaking
- III. Comments on the December NPRM
- IV. Agency Decision
 - A. General Considerations
 - B. Location
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- V. Costs
- VI. Rulemaking Analyses and Notices

I. Background

On March 10, 1995, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air brake systems*, to require medium and heavy vehicles to be equipped with an antilock brake system (ABS) (60 FR 13216). Truck tractors will be required to be equipped with ABS beginning March 1, 1997, and air-braked trailers and single-unit trucks will be required to be so equipped beginning March 1, 1998. These vehicles also will be required to be equipped with indicator lamps to alert their drivers of ABS malfunctions. Each truck equipped to tow trailers, including a truck tractor, will be required to be equipped with two in-cab warning lamps: one to indicate malfunctions of its own ABS, and another to indicate ABS malfunctions on units it tows. Trailers will be required to be equipped with an electrical circuit capable of signaling a trailer ABS malfunction to the cab of the towing unit.

NHTSA recognized that, during the initial transition period, there is a high likelihood that new ABS-equipped trailers will frequently be towed by older, non ABS-equipped tractors or trucks that will not have the capability to receive ABS malfunction signals transmitted from trailers. Accordingly, to provide drivers, and maintenance and inspection personnel, with the ability to

determine a malfunction with the trailer ABS, the agency has required that trailers (including converter dollies) also be required to be equipped with a separate external ABS malfunction indicator. The March 10, 1995, final rule specified an interim eight-year period, from March 1, 1998, to March 1, 2006, during which these external ABS malfunction indicator lamps must be installed on trailers.¹ The agency reasoned that, after that time period, there would be sufficient new ABS-equipped truck tractors and towing trucks fitted with in-cab trailer ABS malfunction warning indicators to obviate the need for the separate trailer-mounted ABS malfunction warning lamp. The agency intended the trailer-mounted lamps to be visible to drivers using their outside rearview mirrors.

II. Petitions for Reconsideration and Notice of Proposed Rulemaking

NHTSA received 16 petitions for reconsideration to the March 10, 1995 final rule. Most of these petitions addressed testing and implementation issues associated with the requirements for ABS. In addition, Midland-Grau and the Truck Trailer Manufacturers Association (TTMA) requested changes in the requirements for external trailer ABS malfunction indicator lamps. Specifically, they petitioned NHTSA to delete the requirement that the external malfunction indicator lamp on a trailer be visible from the driver's seating position "through the rearview mirrors." (see S5.2.3.3). Midland-Grau stated that since truck tractor manufacturers cannot control where the external lamp would be located, requiring tractor manufacturers to ensure that the lamp is visible from the cab of the truck tractor is unreasonable. TTMA stated that since trailer manufacturers cannot control where mirrors are located on tractors, requiring the ABS malfunction lamp on dollies and trailers to be visible "through the rearview mirrors" is not appropriate. That organization also stated that there is no good, practical location for such a lamp on a dolly.

On December 13, 1995, NHTSA published two notices in response to the petitions for reconsideration: (1) A final rule (60 FR 63965) that amended portions of the standard dealing with ABS and stopping distance requirements, and (2) a notice of proposed rulemaking (NPRM) (60 FR 64010) that proposed changing the requirements for the location, color, and

intensity of the external ABS malfunction lamps on trailers and dollies.

On February 15, 1996, NHTSA issued another final rule (61 FR 5949) that responded to 13 petitions for reconsideration to the December 13, 1995 final rule. Specifically, the agency amended the trailer ABS electrical powering requirements and adopted a four-year delay in the effective date on which truck tractors and trucks equipped to tow trailers must be capable of receiving and displaying ABS malfunction warning signals from trailers. Because of the delay in the requirement for in-cab signaling, the agency extended the transition period during which trailers must be equipped with the external ABS malfunction indicator. Thus, these lamps must be equipped on trailers manufactured on and after March 1, 1998, and before March 1, 2009.

III. Comments on the December NPRM

NHTSA received comments on the proposal to amend the external trailer ABS malfunction indicator requirements from TTMA, Midland-Grau, the American Trucking Associations (ATA), the American Society of Safety Engineers (ASSE), Truck-Lite, Inc., and Grote Industries, Inc. The commenters generally agreed with the need for the external trailer ABS malfunction indicator lamp. Most commenters requested that the lamp be located at the trailer's rear rather than at its front. The agency's responses to specific comments about the lamp's location, labeling, color, activation protocol, and photometric requirements are set forth below.

IV. Agency Decision

A. General Considerations

After reviewing the comments and other available information, NHTSA has decided to adopt requirements with respect to the location, color, activation protocol, and photometric intensity of the external ABS malfunction lamps on trailers and trailer converter dollies. The ABS malfunction indicator lamp on a trailer will have to be mounted near the rear of the left side of the trailer, no closer than 150 mm (5.9 inches) and not more than 600 mm (23.6 inches) from the rear red side marker lamp. The ABS malfunction indicator lamp for a converter dolly will have to be mounted on a permanent structure on the dolly at least 375 mm (14 inches) above the road surface. In all cases, the malfunction indicator lamp must be yellow and be illuminated whenever power is supplied to the ABS and there

¹ A final rule responding to petitions for reconsideration extended this requirement until March 1, 2009 (61 FR 5949, February 15, 1996).

is a malfunction. The lamps will also meet the requirements for combination clearance side marker lamps specified by the Society of Automotive Engineer's (SAE's) Recommended Practice J592 July 1972 or JUN92 which is referenced in Standard No. 108. The specific details of each requirement are discussed below

B. Location

In the December 1995 NPRM, NHTSA proposed that the trailer ABS malfunction indicator lamp be located on the left side of each trailer, as close to the front as practicable, and at a height as close as practicable to 96 inches above the road surface. The proposed location requirement was patterned after a previous agency proposal to require a low air pressure warning lamp on trailers. (55 FR 4453, February 8, 1990) The proposed height was consistent with the mean driver eye height, as reported in a University of Michigan study.² Given anticipated practicability problems for some trailers, such as flatbeds and lowboys, the agency also proposed that the malfunction indicator lamp could be located on the front of the trailer, as far leftward as possible and at a height as close to 96 inches as practicable.

Truck-Lite agreed with the proposal to locate the external ABS indicator near the front of the trailer. TTMA, ATA, Midland-Grau, and Grote recommended that this indicator be located at the rear of the trailer near the red side marker lamp. They stated that such a location would allow the indicator to be visible and readily detected when activated, provided that the ABS malfunction indicator were yellow. These commenters stated that such a location would be readily visible to drivers who use the red side marker lamp as a visual location cue to help them track the lateral position of their trailer when making turns.

NHTSA has decided to require that the external trailer ABS malfunction indicator lamp be located near the rear of the trailer. The agency believes that this lamp will be readily seen by drivers using their rearview mirrors, and during walkaround vehicle inspections. The agency notes that this lamp will only activate in those rare situations when the trailer ABS has malfunctioned. The external trailer ABS malfunction indicator must be located near the rear of the left side of a trailer when viewed from the rear of the trailer, no closer than 150 mm (5.9 inches) and not more

than 600 mm (23.6 inches) from the rear red side marker lamp. The agency selected this range to ensure a standardized location of this lamp near the trailer rear, thereby facilitating its being viewed by drivers, while providing flexibility to trailer manufacturers. This requirement combines the suggestions of Midland-Grau, TTMA, ATA, and Grote, concerning the specific location requirements for the trailer ABS malfunction indicator relative to the rear red side marker lamp.

This decision reflects several considerations. In this standardized location, the lamp can be seen by drivers, as well as fleet maintenance and roadside inspection personnel, during pre-trip and post-trip inspections. Platform trailers, pole/logging trailers, and other miscellaneous trailers typically lack a front face. Based on Table 1 below, these trailers account for approximately 25 percent of all trailers. For such trailers, a front mounting position of the external malfunction indicator would have been problematic. In contrast, an external malfunction indicator can be mounted on the rear left of all trailers, even platform and other trailers that may have had difficulty complying with the proposal for locating the indicator by the trailer's front face. Moreover, locating the lamp in the rear also reduces installation costs and improves durability since less wire will be needed between the ABS electronic control unit (ECU) and the light it activates, compared to locating the indicator at the front of trailers. Accordingly, NHTSA believes that requiring the indicator lamp to be located on the rear left side will provide manufacturers sufficient latitude and flexibility in equipping their trailers with this lamp.

TABLE 1.—U.S. COMMERCIAL TRUCK FLEET BY MAJOR BODY TYPE * (1992)

Cargo body type	Percent of 1992 fleet population
Platform	22.2
Van	44.5
Auto Transport	1.5
Dump	10.1
Grain Bodies	4.2
Garbage/Refuse	0.4
Livestock	1.3
Pole/Logging	3.2
Tank/Dry Bulk	2.0
Tank/Liquids or Gas	7.4
Others	3.2
Total	100.0

* Source: 1992 Truck Inventory and Use Survey, U.S. Census Bureau.

Truck-Lite was the only commenter to specifically address NHTSA's proposal to require that a malfunction indicator lamp be placed on a permanent structure of the dolly and be visible to a person standing on the road surface near the location of the indicator. That commenter agreed with the agency's proposal. Since the agency continues to believe that the proposed location for dollies is appropriate, the agency has decided to adopt the location requirement for dollies, as proposed.

C. Color

In the December 1995 NPRM, NHTSA proposed that the external ABS malfunction indicator be yellow. The agency reasoned that this color was consistent with the requirements in Standard No. 101, *Controls and displays*, which requires that in-vehicle ABS malfunction indicator lamps be yellow. The agency further stated that selecting this color would harmonize the requirement with the vehicle standards of the International Organization for Standardization (ISO) and the Economic Commission for Europe (ECE) which specify red to indicate brake failure and yellow to indicate ABS malfunction. While NHTSA recognized that these color requirements are applicable to instrument panel lamps and do not address ABS malfunction indicator lamps on the exterior of a vehicle, the agency stated that it is desirable to have a uniform protocol. The agency tentatively concluded that the same requirements should be applied to external ABS malfunction lamps since they perform the same function as in-vehicle ABS malfunction lamps. The agency further concluded that a green status lamp on the trailer exterior would be inconsistent with the already established convention, thereby creating confusion among drivers.

TTMA, Midland-Grau, and Grote recommended that the external ABS malfunction indicator lamp be yellow, provided that it was located at the trailer's rear. These commenters believed a yellow color was necessary to make it possible for drivers to distinguish this lamp from the red rear side marker lamp. They stated that a yellow lamp would be visible and readily detected, when activated, because the red rear side marker lamp is now routinely seen by drivers using their rearview mirrors. ATA stated, without explanation, that a yellow malfunction indicator should not be mounted at the trailer's rear. ATA favored a green status indicator, stating that the SAE Truck and Bus ABS Task Force had recently issued a

² "The Influence of Truck Driver Eye Position on the Effectiveness of Retroreflective Traffic Signs," by Sivak, Flannagan, and Gellatly, September 1991.

recommended practice that "status indicators" on a vehicle's exterior should be green and should illuminate when the ABS is operating properly.

After reviewing the available information, NHTSA has decided to require the external trailer ABS malfunction indicator lamp to be yellow. The agency believes that yellow will minimize confusion, be readily understandable by drivers, and be distinguishable from the red rear side marker lamps.³ NHTSA believes that while a green light is appropriate to indicate that a system is operating properly, it would be potentially confusing to indicate that a system such as the trailer ABS is malfunctioning. The commonly accepted convention for indicating the readiness of a system is an activated green light. NHTSA notes that there would be no prohibition against supplementing the required yellow external malfunction indicator lamp on a trailer with a green lamp on the ECU to indicate the trailer ABS's status. Such a supplemental lamp would not have to conform to any of the color or protocol requirements specified for the external trailer ABS malfunction indicator lamp.

TTMA, ATA, Midland-Grau, and Grote suggested that the trailer ABS malfunction indicator lamp be labeled with the letters "ABS" to distinguish this lamp from other, otherwise identical, yellow side marker lamps. They suggested several ways to distinguish the yellow side markers from the trailer ABS indicator, including a decal on the lens itself; a permanent marking on the lens or its housing; or a permanent decal or plaque affixed to the trailer structure, at a location immediately adjacent to the lamp.

NHTSA has decided to require the yellow trailer ABS malfunction indicator lamp to be identified with the letters "ABS" to distinguish this lamp from the yellow side marker/clearance lamps. This identification is intended to inform drivers and others making a pre-trip inspection that this lamp functions as a trailer ABS malfunction indicator. The agency has specified several acceptable methods of permanently marking the lamp to provide manufacturers with flexibility in complying with this requirement. Specifically, a manufacturer may use any of the following ways to permanently identify the trailer ABS malfunction indicator: marking the lens,

marking the lens housing, affixing a label or plaque to the trailer near the indicator, or painting the trailer near the indicator.

NHTSA is also specifying minimum character size requirements for the indicator lamp identification, which are based on generally recognized human factors design principles.⁴ The agency based its selection of the character sizes on its assumption that 15 feet was a reasonable estimate of the distance between the driver or mechanic during a pre-trip walk-around inspection of a trailer.

D. Activation Protocol

In earlier comments and its petition for reconsideration, TTMA requested the lamp to be lit continuously when the ABS is functioning properly and to be extinguished when there is a malfunction in the ABS.

NHTSA addressed this issue in detail in the March 1995 final rule on heavy vehicle ABS rulemaking. In that notice, the agency decided to require that the ABS malfunction indicator lamp be lit when a malfunction exists and not be lit when the antilock system is functioning properly. S5.2.3.3 of Standard No. 121 further requires that the trailer ABS malfunction indicator lamp be lit during the check-of-lamp function only when the vehicle is stationary and power is first supplied to the antilock system. This allows the ABS lamp on a trailer that is moving to undergo the check of lamp function, without the lamp cycling on and off whenever the brakes are applied. The agency stated that such a requirement eliminates distractions for the driver and for drivers of adjacent vehicles, created by the ABS lamp cycling on and off with every brake application. The agency emphasized that in the event of a malfunction in the trailer antilock system, the malfunction indicator lamp would be lit whenever power is supplied to the trailer antilock system, regardless of whether the vehicle is stationary or moving. Accordingly, the agency decided to deny TTMA's request in its petition for a change in the ABS malfunction indicator lamp protocol and proposed no change to the protocol included in the ABS final rule.

No commenter addressed the trailer ABS indicator's activation protocol.

NHTSA continues to believe that the ABS malfunction indicator lamp should follow the accepted convention of activating when a malfunction exists and not activating when the antilock

system is functioning properly. Thus, this protocol, first contained in the March 10, 1995 final rule requirements, remains in effect.

E. Intensity and Photometric Requirements

In their original petition to the March 10, 1995 final rule, AAMA and TTMA petitioned NHTSA to require that the external ABS malfunction indicator lamp be subject to the same photometric⁵ requirements as those specified in Standard No. 108.

NHTSA tentatively agreed with these petitioners in its December 13, 1995, final rule and proposed that the lamps meet the photometric requirements for clearance, side marker, and identification lamps specified by SAE Recommended Practice J592 JUN92 for clearance lamps, which are referenced in Standard No. 108. Specifically, the agency proposed that ABS malfunction indicator lamps meet the photometric performance requirements specified in SAE J592 JUN92 for the luminous intensity of side marker lamps. Those requirements specify minimum intensity values at test points of 45 degrees along a horizontal axis and 10 degrees along a vertical axis, when measured from a lamp distance of at least three meters. In addition, the agency proposed that the lamp be mounted on the trailer in such a manner that its beam is directed toward the front of the trailer and rotated 90 degrees so that its top and bottom become its sides. The agency believed that such an orientation of the lamp would ensure that its widest light beam is in a vertical plane just outboard of the side of the trailer, and hence would be more likely to be visible by the driver through the tractor's rearview mirrors.

Truck-Lite, TTMA, and Midland-Grau requested that conformance be allowed to the July 1972 version of SAE J592 (as well as the June 1992 version), since that earlier version is referenced in Standard No. 108 and many currently manufactured and stocked lamps have been certified as having met that version of the standard. These commenters also stated that the agency's proposal to rotate the lamp 90 degrees was inappropriate since the requirement would necessitate designing new lamps for an extremely limited market. They suggested that such a redesign would add costs for little apparent gain. Alternatively, they requested the agency require the use of a combination clearance/side marker lamp instead of a

³ Table I of Standard 108 includes a requirement for, on the side of each trailer, a yellow clearance lamp at the front and a red clearance lamp at the rear.

⁴ "Visual Display Character Size," Woodson, WE Human Factor Design Handbook, McGraw-Hill, New York, 1981, pages 494-495.

⁵ Photometric values specify the amount of light emitted by a lamp, when measured from a specified distance.

simple side marker lamp, because the combination lamps, which have "PC" or "P2" marked on the lens or housing in accordance with SAE J579c, Lighting Identification Code, have a uniform and wide diffused beam pattern throughout the full 180 degree left and right range. Thus, if this type lamp was used, rotating the lenses, or mounting the lamp facing toward the front of the trailer would be unnecessary.

After reviewing the comments, NHTSA has amended the standard to permit conformance to either the July 1972, or June 1992 version of SAE J592. Additionally, the standard has been amended to require that a combination clearance/side marker lamp with a "PC" or "P2" marked on the lens or housing in accordance with SEA J759 Jan 95, *Lighting Identification Code*, be used as the external trailer ABS warning lamp. The agency agrees with the commenters that this change will provide additional flexibility, without any detriment to safety. Based on the available information concerning the light output pattern of combination clearance/side marker lamps, the agency has decided that rotating lamps is not necessary to achieve the intended function of this lamp.

V. Costs

NHTSA has already evaluated the economic impact of requiring trailers and dollies to be equipped with an external ABS malfunction indicator lamp in the final rule on heavy vehicle ABS published on March 10, 1995. The agency estimated that the unit cost of requiring an ABS lamp on trailers and dollies is \$9.43. Since this rule does not require additional equipment, but only specifies location, color and photometric intensity for the trailer ABS malfunction indicator lamp, the rule should not have any impact on previously estimated costs or benefits. The agency notes that there will be some nominal additional costs associated with the labeling requirements. There will also be some cost savings, compared to the December 1995 proposal, since manufacturers will not have to redesign those trailers lacking a front face on which to install a malfunction indicator lamp. Under the proposal, a significant minority of trailers (approximately 25 percent) would have needed a permanent structure attached to the trailer to comply with the proposed requirement. Locating the lamp in the rear also reduces installation costs and improves durability since less wire will be needed between the ABS electronic control unit (ECU) and the light it activates,

compared to locating the indicator at the front of trailers.

VI. Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rulemaking was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The impacts of the rule are so minimal as not to warrant preparation of a full regulation evaluation. As noted above, NHTSA has already evaluated the economic impact of requiring an external ABS malfunction indicator lamp. For details, see the Final Economic Assessment (FEA) titled, "Final Rules FMVSS Nos. 105 & 121 Stability and Control While Braking Requirements and Reinstatement of Stopping Distance Requirements for Medium and Heavy Vehicles," published in June 1994.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the amendment will not have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically do not qualify as small entities. Further, aside from the relatively small cost impacts noted above, the amendment will not affect costs or benefits beyond those addressed in the (FEA) for the ABS final rule. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws are affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act of 1969 and determined that the rule does not significantly affect the human environment.

5. Civil Justice Reform

The rule does not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle

Safety Act (49 U.S.C. 30111), 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. Section 105 of the Act (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, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber.

In consideration of the foregoing, the agency is amending Standard No. 121, *Air Brake Systems*, in Title 49 of the Code of Federal Regulations, Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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.

2. Section 571.121, as revised at 61 FR 27290 effective March 1, 1997, is amended by revising S5.2.3.3, to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

S5.2.3.3 Antilock malfunction indicator.

(a) In addition to the requirements of S5.2.3.2, each trailer and trailer converter dolly manufactured on or after March 1, 1998, and before March 1, 2009, shall be equipped with an external antilock malfunction indicator lamp that meets the requirements of S5.2.3.3 (b) through (d).

(b)(1) The lamp shall be designed to conform to the performance requirements of Society of Automotive Engineers (SAE) Recommended Practice J592 JUN92, or J592e, July 1972, *Clearance, Side Marker, and Identification Lamps*, for combination, clearance, and side marker lamps, which are marked with a "PC" or "P2" on the lens or housing, in accordance with SAE J759 Jan 95, *Lighting Identification Code*. SAE J592 June 92, SAE J592e July 1972, and SAE J759 January 1995, are incorporated by reference and thereby are made part of this standard. The Director of the Federal Register approved the material

incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected at NHTSA's Docket Section, 400 Seventh Street, SW., room 5109, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., Washington, DC.

(2) The color of the lamp shall be yellow.

(3) The letters "ABS" shall be permanently molded, stamped, or otherwise marked or labeled in letters not less than 10 mm (0.4 inches) high on the lamp lens or its housing to identify the function of the lamp. Alternatively, the letters "ABS" may be painted on the trailer body or dolly or a plaque with the letters "ABS" may be affixed to the trailer body or converter dolly; the letters "ABS" shall be not less than 25 mm (1 inch) high. A portion of one of the letters in the alternative identification shall be not more than 150 mm (5.9 inches) from the edge of the lamp lens.

(c) Location requirements. (1) Each trailer that is not a trailer converter dolly shall be equipped with a lamp mounted on a permanent structure on the left side of the trailer as viewed from the rear, no closer than 150 mm (5.9 inches), and no farther than 600 mm (23.6 inches), from the red rear side marker lamp.

(2) Each trailer converter dolly shall be equipped with a lamp mounted on a permanent structure of the dolly so that the lamp is not less than 375 mm (14.8 inches) above the road surface when measured from the center of the lamp with the dolly at curb weight. When a person, standing 3 meters (9.8 feet) from the lamp, views the lamp from a perspective perpendicular to the vehicle's centerline, no portion of the lamp shall be obscured by any structure on the dolly.

(d) The lamp shall be illuminated whenever power is supplied to the antilock brake system and there is a malfunction that affects the generation or transmission of response or control signals in the trailer's antilock brake system. The lamp shall remain

illuminated as long as such a malfunction exists and power is supplied to the antilock brake system. Each message about the existence of such a malfunction shall be stored in the antilock brake system whenever power is no longer supplied to the system. The lamp shall be automatically reactivated when power is again supplied to the trailer's antilock brake system. The lamp shall also be activated as a check of lamp function whenever power is first supplied to the antilock brake system and the vehicle is stationary. The lamp shall be deactivated at the end of the check of lamp function, unless there is a malfunction or a message about a malfunction that existed when power was last supplied to the antilock brake system.

* * * * *

Issued on: September 11, 1996.

Ricardo Martinez,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129018-6018-01; I.D. 091796B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1996 pollock total allowable catch (TAC) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), September 18, 1996, until 2400 hrs, December 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1996 pollock TAC in Statistical Area 610 was established by the Final 1996 Harvest Specifications of Groundfish (61 FR 4304, February 5, 1996) as 25,480 metric tons (mt). (See § 679.20(c)(3).)

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined, in accordance with § 679.20(d)(1), that the 1996 pollock TAC in Statistical Area 610 soon will be reached. The Regional Administrator established a directed fishing allowance of 24,680 mt, and has set aside the remaining 800 mt as bycatch to support other anticipated groundfish fisheries. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 17, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96-24318 Filed 9-18-96; 12:54 pm]

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