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[FR Doc. 97-8817 Filed 4-7-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL-5806-4]

**National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of deletion of the Triangle Chemical Company Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Triangle Chemical Company Site (Site) in Bridge City, Texas, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** May 8, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ernest R. Franke, Remedial Project Manager, U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the Triangle Chemical Company Site, Bridge City, Texas. A Notice of Intent to Delete for this site was published in the **Federal Register** on October 31, 1996 (61 FR 56197). The closing date for public comment was December 2, 1996. EPA received no comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund).

Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP provides that in the event of a significant release from a site deleted from the NPL the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Hazardous waste.

Dated: February 21, 1997.

**Myron O. Knudson,**

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., 351; E.O. 12580; 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

**Appendix B—[Amended]**

2. Table 1 of Appendix B to part 300 is amended by removing "Triangle Chemical Co.", the site for Bridge City, Texas.

[FR Doc. 97-8818 Filed 4-7-97; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****49 CFR Parts 387, 390, and 395**

RIN 2125-AE07

**Minimum Levels of Financial Responsibility for Motor Carriers; Hours of Service of Drivers; Technical Amendments****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document amends the financial responsibility regulations to more broadly define the term *State*, and removes an unnecessary definition for the term *farm-to-market agricultural transportation* from the Federal Motor Carrier Safety Regulations (FMCSRs). This document also revises the hours of

service of drivers regulations to clarify the requirement that a commercial motor vehicle (CMV) driver show either: the number assigned by the motor carrier, or the license number and licensing State of each CMV operated during a 24-hour period on his or her record of duty status.

**DATES:** Effective on April 8, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, (202) 366-5763, or Mr. Charles E. Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:****Background**

The FHWA has identified technical amendments that are needed to add a broader definition for the term *State* to the financial responsibility regulations at § 387.5, and to remove an unnecessary definition for the term *farm-to-market agricultural transportation* from the FMCSRs at § 390.5. This document also clarifies the requirement that a CMV driver show either: (1) The number assigned by the motor carrier, or (2) the license and licensing State of each CMV operated during a 24-hour period on his or her record of duty status. The amendments are discussed below.

**Definitions (section 387.5)**

The financial responsibility regulations for motor carriers of property in subpart A of part 387, 49 CFR, implement section 30 of the Motor Carrier Act of 1980 (1980 Act) (Pub. L. 96-296, 94 Stat. 793, 820, codified at 49 U.S.C. 31139). Section 387.5 of 49 CFR does not include a definition for the term *State*. Unless specifically defined in subchapter B, chapter III, 49 CFR, the definitions set forth in § 390.5 are applicable to all parts (including subpart A of part 387) in subchapter B.

Section 390.5 defines the term *State* as "a State of the United States and the District of Columbia and includes any political subdivision of a State." The term *State* is defined at 49 U.S.C. 31139(a)(3), however, as "a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Marianas." Thus, the regulatory definition for the term *State* at § 390.5 in the context of minimal levels of financial responsibility for motor carriers of property, is narrower

than the term's corresponding statutory definition at 49 U.S.C. 31139(a). The omission of a regulatory definition for the term *State* in subpart A of part 387 was an oversight by the FHWA and was not intended to set the jurisdictional parameter of the financial responsibility regulations for motor carriers of property at an extent less than the scope authorized by the 1980 Act. Accordingly, a definition for the term *State*, which is consistent with the term's statutory definition in the 1980 Act at 49 U.S.C. 31139(a)(3), is being added to § 387.5 in order to fulfill the FHWA's intention to establish the jurisdictional parameter of the financial responsibility regulations for motor carriers of property at the fullest extent authorized by the 1980 Act.

#### *Definitions (section 390.5)*

Section 390.5 includes a definition for the term *farm-to-market agricultural transportation*, but this term is no longer used at all in subchapter B of chapter III, 49 CFR. On February 2, 1993, the FHWA published a final rule in the **Federal Register** (58 FR 6726) which removed the accident notification and reporting requirements for motor carriers in part 394, 49 CFR, of the FMCSRs. The accidents that were required to be reported were specified in the definition of the term *reportable accident*, formerly at 49 CFR 394.3. Within paragraph (b)(3) of this definition, an occurrence in the course of farm-to-market agricultural transportation by a motor carrier was excluded as a reportable accident.

The term *farm-to-market agricultural transportation* was formerly defined in the FMCSRs at § 394.5. On May 19, 1988 (53 FR 18042), the definition for the term *farm-to-market agricultural transportation* was moved from § 394.5 to § 390.5. Upon the removal of the accident notification and reporting requirements from § 394.3, the definition for the term *farm-to-market agricultural transportation* in § 390.5 was not removed as appropriate. The FHWA, therefore, is amending § 390.5 by removing the definition for the term *farm-to-market agricultural transportation* because it is no longer necessary.

#### *Driver's Record of Duty Status (§ 395.8)*

The FHWA published a final rule, "Zero Base Review of the Federal Motor Carrier Safety Regulations; Correcting Amendments," at 60 FR 38748, on July 28, 1995, which amended § 395.8(f)(5), 49 CFR. This section requires a driver to record certain information which identifies each CMV operated during a 24-hour period on his or her record of

duty status. The amendment was intended to replace the term vehicle with the more appropriate term commercial motor vehicle and to clarify that the requirement applied to bus drivers, but the amendment included an error. Section 395.8(f)(5) was amended to require the recording of the number assigned by the motor carrier or State, and the license number of the CMV. The FHWA intended, however, to require a CMV driver to show either: (1) The number assigned by the motor carrier, or (2) the license number and licensing State of each CMV operated during a 24-hour period on his or her record of duty status. Accordingly, the FHWA is amending § 395.8(f)(5) to be consistent with the FHWA's intended requirement.

#### **Rulemaking Analyses and Notices**

This final rule makes only technical amendments to the Federal Motor Carrier Safety Regulations. The FHWA believes that prior notice and opportunity for comment are unnecessary because this rule merely clarifies current regulations without making any substantive change in those regulations. The FHWA, therefore, finds good cause to adopt this rule without prior notice or opportunity for public comment (5 U.S.C. 553(b)). The DOT's regulatory policies and procedures also authorize promulgation of the rule without prior notice because it is anticipated that such action would not result in the receipt of useful information. The FHWA is making the rule effective upon publication in the **Federal Register** because it imposes no new burdens and merely amends existing regulations (5 U.S.C. 553(d)).

#### **Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. Since this rulemaking action makes only technical, clarifying changes to the current regulations, this rulemaking will not have an economic impact on the motor carrier industry; therefore, a full regulatory evaluation is not required.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, and since this rulemaking action makes only technical, clarifying changes to the current

regulations, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### **Executive Order 12612 (Federalism Assessment)**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The definition of State added by this rule merely clarifies existing regulations by incorporating the applicable statutory definition of State. No new burdens or restrictions are placed on States as a result of this rule.

#### **Executive Order 12372 (Intergovernmental Review)**

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

#### **Paperwork Reduction Act**

This action does not create any new collection of information requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520.

#### **National Environmental Policy Act**

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

#### **Regulation Identification Number**

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### **List of Subjects in**

*49 CFR Part 387*

Hazardous materials transportation, Highways and roads, Insurance, Motor carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds.

**49 CFR Part 390**

Highways and roads, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

**49 CFR Part 395**

Global positioning systems, Highways and roads, Intelligent transportation systems, Motor carriers—driver hours of service, Motor vehicle safety, Reporting and recordkeeping requirements.

Issued on: March 28, 1997.

**Jane F. Garvey,**

*Acting Administrator, Federal Highway Administration.*

In consideration of the foregoing, the FHWA amends title 49, Code of Federal Regulations, chapter III, as follows:

**PART 387—[AMENDED]**

1. The authority citation for part 387 is revised to read as follows:

**Authority:** 49 U.S.C. 13101, 13301, 13906, 14701, 31138, and 31139; and 49 CFR 1.48.

2. Section 387.5 is amended by adding the definition *State*, in alphabetical order, to read as follows:

**§ 387.5 Definitions.**

\* \* \* \* \*

*State* means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

**PART 390—[AMENDED]**

3. The authority citation for part 390 continues to read as follows:

**Authority:** 49 U.S.C. 13301, 13902, 31132, 31133, 31136, 31502, 31504, and sec. 204, Pub. L. 104-88, 109 Stat. 803, 941; 49 U.S.C. 201 note, and 49 CFR 1.48.

**§ 390.5 [Amended]**

4. Section 390.5 is amended by removing the definition for *farm-to-market agricultural transportation*.

**PART 395—[AMENDED]**

5. The authority citation for part 395 continues to read as follows:

**Authority:** 49 U.S.C. 31133, 31136, and 31502; sec. 345, Pub. L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.

6. Section 395.8 is amended by revising paragraph (f)(5) to read as follows:

**§ 395.8 Driver's record of duty status.**

\* \* \* \* \*

(f) \* \* \*  
(5) *Commercial motor vehicle identification.* The driver shall show the number assigned by the motor carrier, or the license number and licensing State

of each commercial motor vehicle operated during each 24-hour period on his/her record of duty status. The driver of an articulated (combination) commercial motor vehicle shall show the number assigned by the motor carrier, or the license number and licensing State of each motor vehicle used in each commercial motor vehicle combination operated during that 24-hour period on his/her record of duty status.

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 80-9; Notice 13]

RIN 2127-AF59

**Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment**

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

**ACTION:** Response to petitions for reconsideration; final rule.

**SUMMARY:** This document responds to petitions for reconsideration of a final rule requiring that the rear of truck tractors be equipped with retroreflective material similar to that required on the rear of the trailers they tow to increase nighttime conspicuity.

**DATES:** The effective date for the final rule, as amended by this document, is July 1, 1997. Petitions for reconsideration of the rule must be received not later than 45 days after the rule is published in the **Federal Register**. Petitions filed after that time will be considered petitions for rulemaking pursuant to 49 CFR part 552.

**ADDRESSES:** Petitions for reconsideration of the amendments to the final rule should refer to the docket number and notice number, and be submitted to: Administrator, NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** For Technical Issues: Patrick Boyd, Office of Safety Performance Standards, NPS-31, telephone (202) 366-6346, FAX (202) 366-4329. For Legal Issues: Taylor Vinson, Office of Chief Counsel, NCC-20, telephone (202) 366-2992, FAX (202) 366-3820.

**SUPPLEMENTARY INFORMATION:****Background**

On August 8, 1996, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to amend paragraph S5.7 *Conspicuity Systems*. (61 FR 41355). Effective July 1, 1997, the rule requires truck tractors to be equipped with a conspicuity treatment (either retroreflective tape or reflex reflectors) to enhance their detectability at night or under other conditions of reduced visibility.

**The Final Rule**

In view of the relatively short length of truck tractors and the fact that they are equipped with a full complement of lamps at the front, NHTSA adopted a conspicuity treatment for the rear only. The conspicuity treatment uses the same retroreflective sheeting or reflex reflectors certified for use on trailers (the term "retroreflective material" is used in this document to include both sheeting and reflex reflectors).

As with large trailers, two strips of white material 300 mm in length are to be applied horizontally and vertically to the right and left upper rear contours of the body (as shown in Figure 31), as close to the top of the body and as far apart as practicable. Relocation of the material is allowed to avoid obscuration by vehicle equipment when viewed from directly behind. If relocation is required for one side of the rear but not the other, the manufacturer is permitted to relocate the other strips to achieve a symmetrical effect. The final rule also permits the upper material to be obscured up to 25 percent when viewed directly from behind (the rear orthogonal view).

To indicate the overall width of the truck tractor, two strips of retroreflective material, 600 mm in length, of alternating colors of red and white, must be mounted on the rear, as horizontal as practicable and as far apart as practicable. This material may be applied to the rear fenders, if the tractor is so equipped, or to the mudflaps or mudflap support brackets. However, if the strips are located on the mudflaps, they must be placed not lower than 300 mm below the mudflap support bracket to avoid excessive movement. Since the tire diameter, and consequently the distance from the mudflap support to the road surface, is nominally 1 meter, the reflective strips can be expected to be about 700 mm above the road surface.

Under the final rule, manufacturers of truck tractors have the option of using