

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 member 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 rearmost axle is permanently fixed and is located such that the rearmost 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 rating 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 rearmost 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 side extremity.

(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 guard, 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.

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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.*).

Dated: May 7, 1998.

Nancy M. Kaufman,

Regional Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[Docket No. 980501114-8114-01; I.D. 041698G]

RIN 0648-AK48

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