submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 10, 1998 for parts of this action. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 148

Environmental Protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: August 3, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator.

For the reasons set forth in the preamble:

1. The effective dates for the rules published on May 26, 1998 and June 29, 1998 are corrected as set forth in the **EFFECTIVE DATES** section of this correction.

2. Amendment 10 to § 268.40 and amendment 11 to § 268.48 on pages 24625 and 24626 in the rule published May 4, 1998, and amendment 5 on page 35149 in the rule published June 29, 1998 are withdrawn.

[FR Doc. 98–21207 Filed 8–7–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4268]

RIN 2127–AG84

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

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

ACTION: Final rule.

SUMMARY: This document amends the Federal motor vehicle safety standard on lighting to permit asymmetrical headlamp beams on motorcycle headlighting systems. This amendment will allow upper and lower beams to be emitted by separate dedicated headlamps on either side of a motorcycle's vertical centerline or by separate off center light sources within a single headlamp that is located on the vertical centerline. This action completes action upon the grant of a rulemaking petition from Kawasaki Motors Corp. U.S.A. and represents a further step towards harmonization of Standard No. 108 with the lighting standards of other nations.

DATES: The amendment is effective September 24, 1998. Any petition for reconsideration of the amendment must be filed on or before this effective date.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number, and must be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 10:00 a.m. to 5:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Safety Performance Standards, NHTSA (Phone: 202–366–5276).

SUPPLEMENTARY INFORMATION: Table IV of Motor Vehicle Safety Standard No. 108 specifies the location of headlighting systems on motorcycles. If a motorcycle has a single headlamp, the headlamp must be located on the vehicle's vertical centerline. If two headlamps are provided, they must be symmetrically located around the vertical centerline. Under Standard No. 108, a center-mounted headlamp must provide upper and lower beams with a single light source, and each headlamp in a two-headlamp motorcycle headlighting system must provide both an upper and a lower beam with a single light source. In interpretation letters in 1994 and 1995, NHTSA advised Kawasaki Motors Corp. U.S.A. (Kawasaki) that a single-lamp headlighting system in which an upper beam or lower beam is provided by a single light source that is not on the vertical centerline is not permitted by Standard No. 108.

Kawasaki has developed a projector beam headlighting system which it wishes to offer on motorcycles that it sells in the United States. The system incorporates light sources that are not on the vertical centerline and that will typically be illuminated singly. The consequence is that the motorcycle will have a single-off center light source. Under the Kawasaki system, separate headlamps provide the upper and lower beam respectively, or separate light sources in a single headlamp, which lie on either side of the vertical centerline even if the headlamp itself is centered on it. Accordingly, Kawasaki petitioned the agency for rulemaking to amend Standard No. 108 in a manner that would allow its asymmetrical headlighting system.

The agency granted the petition and published a notice of proposed rulemaking (NPRM) on this subject on September 9, 1997 (Docket No. 97–45; 62 FR 47414).

As NHTSA explained in the NPRM, at the time that the motorcycle headlight requirements in Standard No. 108 were originally issued, the predominant concern was that the headlighting system clearly identify a motorcycle as such when the vehicle was being operated at night. Thus, the location of a single headlamp on the vertical centerline was required to aid motorists in distinguishing an approaching motorcycle from an approaching passenger car whose left headlamp was inoperative. To assist oncoming drivers in detecting the nature of an approaching vehicle, Standard No. 108 also requires passenger cars and light trucks to have parking lamps, and requires the parking lamps to be illuminated when the headlamps are on. Motorcycles are not required to have parking lamps. Thus, their appearance at night will differ in this respect from that of a four-wheeled motor vehicle. Kawasaki assured the agency that, in markets where projector beam headlamps are common, there has been no increase in crashes because of misjudgment of a motorcycle's presence.

This assurance allowed the agency to contemplate the advisability of allowing a single beam to be projected somewhere other than on the vertical centerline. Kawasaki brought the agency's attention to the Official Journal of the European Communities, Council Directive 93/92/EEC, dated 29 October

1993. This Directive allows separate upper and lower beam headlamps, but specifies that their ''reference centers must be symmetrical in relation to the median longitudinal plane of the vehicle'', and that the distance between the edges of the illuminating surfaces of the two headlamps must not exceed 200 mm., i.e., approximately 8 inches. Adoption of this maximum separation distance should ensure that asymmetrical beams remain relatively close to the vertical centerline of the vehicle and do not mislead oncoming drivers. It will also ensure that NHTSA's amendment of Standard No. 108 will be consistent with regulations of other nations concerning the same lighting specification.

The agency therefore proposed that Standard No. 108 be amended in a manner that would allow Kawasaki to use the projector beam headlighting system. Two comments were received on the NPRM, from Stanley Electric Co. Ltd. (Stanley) and Koito Manufacturing Co. Ltd. (Koito). Both commenters supported the NPRM.

Koito commented that the installation of the headlighting system proposed is already allowed in Japan, and that a final rule would harmonize U.S. requirements not only with the regulations of Europe (93/93/EEC) but also those of Japan. Stanley, too, supported the NPRM as in the interests of harmonization. Koito noted that proposed S7.9.6.2 (a) and (c) allow both vertical and horizontal arrangements, while S7.9.6.2(b) allows only a horizontal arrangement. Koito asked for a clarification. In response to this comment, the agency has revised S7.9.6.2(b) so that it, as adopted, allows both vertical and horizontal arrangements.

Stanley's further comments were in the nature of a request for interpretation as to the allowability under the proposal of four different types of dual-headlamp installations on motorcycles. In some of these systems, the upper beam headlamp could be located above the lower beam. The final rule clarifies NHTSA's intent in such a way that Stanley will be able to answer its questions. Standard No. 108 for many years has required that lower beam headlamps on all other types of motor vehicles be located above upper beam headlamps when they are mounted vertically (S7.4(b)) because the higher mounting height give longer seeing distance to the lower beam, providing a safety advantage to drivers. With respect to motorcycles, Standard No. 108 requires only that, if two headlamps are used, they shall be disposed symmetrically about the vertical centerline. On review, NHTSA believes that the same principle should apply to motorcycle headlamps as well, and is adopting language similar to S7.4(b) prohibiting the upper beam to be higher than the lower beam. This action ensures that the existing requirement will be retained, and clarifies Table IV which, as proposed, was silent as to relative locations of the upper and lower beam, specifying only that, if two headlamps were providing a single beam, they be symmetrically disposed about the vertical centerline.

Although traditionally motorcycle headlighting requirements have been contained in Tables III and IV, paragraph S7.9 *Motorcycles* has been added to Standard No. 108, as proposed, to contain and set apart all motorcycle lighting performance requirements for ease of reference. This purpose will be enhanced by specifying headlighting location requirements as well. Accordingly, NHTSA proposed that a new paragraph S7.9.6 be added which will contain the previous location requirements specified in Table IV as modified by the proposed changes to accommodate Kawasaki's request, and as discussed above. A two-headlamp system in which each headlamp provides an upper and lower beam will be mounted symmetrically disposed about the vertical centerline or on the vertical centerline. The new paragraph will permit a two-headlamp system in which one headlamp provides an upper beam and the other a lower beam and which will have to be ''located on the vertical centerline with the upper beam no higher than the lower beam, or horizontally disposed about the vertical centerline and mounted at the same height.'' Similarly, the light sources in a single headlamp providing different beams will have to be horizontally disposed and mounted at the same height, or vertically disposed, with the lower beam light source above the upper beam light source. Table IV is amended to delete the material which would be covered by S7.9.6.2 relating to mounting of headlamps, and a reference to S7.9 substituted.

Effective Date

Since the final rule will not impose any additional burden and is intended to afford an alternative to existing requirements, it is hereby found that an effective date earlier than 180 days after issuance of the final rule is in the public interest. The final rule is effective 45 days after its publication in the **Federal Register**.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The effect of the rulemaking action is to allow a motorcycle manufacturer a wider choice of headlighting systems with which to equip its vehicles. The rule does not impose any additional burden upon any person. Impacts of the rule are so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. Sec. 601 et seq.). I certify that this rulemaking action would not have a significant economic effect upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. Sec. 605(b)). The final rule affects manufacturers of motor vehicles. According to the size standards of the Small Business Association (at 13 CFR Part 121.601), the size standard for manufacturers of ''Motor Vehicles and Passenger Car Bodies'' (SIC Code 3711) is 1,000 employees or fewer. This final rule will have no significant economic impact of a small business in this industry because it imposes no new requirements and affords flexibility to a manufacturer of motor vehicles in installing headlamp systems on its products.

Further, small organizations and governmental jurisdictions will not be significantly affected since the price of new motorcycles will not be impacted. As noted above, the rule affords an option to existing requirements, so that there are no mandatory cost impacts to this rule. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on ''Federalism.'' It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The

rulemaking action will not have a significant effect upon the environment as it does not affect the present method of manufacturing motorcycle headlamps.

Civil Justice Reform

This rule will 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. Under 49 U.S.C. 30163, a procedure is set forth 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.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority section continues to read as follows:

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

§ 571.108 [Amended]

2. Section 571.108 is amended by adding new paragraph S7.9.6 and by revising the subheading of Table IV, and the entry for Headlamps in Table IV to read as set forth below:

S7.9.6 A headlamp system shall be installed on a motorcycle in accordance with the requirements of this paragraph.

S7.9.6.1 The headlamp system shall be located on the front of the motorcycle.

S7.9.6.2 (a) If the system consists of a single headlamp, it shall be mounted on the vertical centerline of the motorcycle. If the headlamp contains more than one light source, each light source shall be mounted on the vertical centerline with the upper beam no higher than the lower beam, or horizontally disposed about the vertical centerline and mounted at the same height. If the light sources are horizontally disposed about the vertical centerline, the distance between the closest edges of the effective projected luminous lens area in front of the light sources shall not be greater than 200 mm (8 in.).

(b) If the system consists of two headlamps, each of which provides both an upper and lower beam, the headlamps shall be mounted either at the same height and symmetrically disposed about the vertical centerline or mounted on the vertical centerline. If the headlamps are horizontally disposed about the vertical centerline, the distance between the closest edges of their effective projected luminous lens areas shall not be greater than 200 mm (8 in.).

(c) If the system consists of two headlamps, one of which provides an upper beam and one of which provides the lower beam, the headlamps shall be located on the vertical centerline with the upper beam no higher than the lower beam, or horizontally disposed about the vertical centerline and mounted at the same height. If the headlamps are horizontally disposed about the vertical centerline, the distance between the closest edges of their effective projected luminous lens areas shall not be greater than 200 mm (8 in.).

* * * * *

TABLE IV—LOCATION OF REQUIRED EQUIPMENT

[All Passenger Cars and Motorcycles, and Multipurpose Passenger Vehicles, Trucks, Trailers, and Buses of Less than 80 (2032) Inches (MM) Overall Width]

Item	Location on—		
	Passenger cars, multipurpose passenger vehicles, trucks, trailers, and buses	Motorcycles	Height above road surface measured from center of item on vehicle at curb weight
Headlamps	On the front, each headlamp providing the lower beam, at the same height, 1 on each side of the vertical centerline, each headlamp providing the upper beam, at the same height, 1 on each side of the vertical centerline, as far apart as practicable. See also S7.	See S7.9	Not less than 22 inches (55.9 cm) nor more than 54 inches (137.2 cm).

* * * * *

Issued on: August 4, 1998.

Ricardo Martinez,

Administrator.

[FR Doc. 98–21285 Filed 8–7–98; 8:45 am]

BILLING CODE 4910–59–P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1609

RIN 3206–AI27

Prohibition of ''Gag Clauses'' in the Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final rule making.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final regulation amending the Federal Employees Health Benefits Acquisition Regulations (FEHBAR) to prohibit health benefit carriers participating in the Federal Employees Health Benefits (FEHB) Program from entering into contracts or employment agreements with health care providers, provider groups, or health care workers that would include provisions or financial incentives that have the effect of limiting or restricting communication of