computer system and not by the actual number of "main storage" locations.

"wide area network"—

A data communication system that:

(a) Allows an arbitrary number of independent "data devices" to communicate with each other;

(b) May include "local area networks", *and*

(c) Is designed to interconnect geographically dispersed facilities.

ADVISORY NOTE 17 (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of "digital computers" or "related equipment" therefor controlled for export by paragraph (h) of this ECCN 1565A, provided that:

(a) The "digital computers" or "related equipment" therefor:

(1) Will be operated by civil end-users for civil applications;

(2) Are exported as complete systems or enhancements to previously exported systems up to the limits of paragraph (b) of this Advisory Note;

(3) Have been primarily designed and used for non-strategic applications; *and*

(4) Do not fall within the scope of both paragraphs (h)(1)(ii) (A) and (B);

(b) The "digital computers" or "related equipment" therefor do not exceed *any* of the following limits:

(1) Central processing unit—"main storage" combinations, with a "total processing data rate" of 285 million bits per second and a "total connected capacity" of "main storage" of 135 million bits;

(2) Input/output control unit—drum or disk drive combinations:

(i) "Total bit transfer rate"—101 million bits per second;

(ii) "Maximum bit transfer rate" of any drum or disk drive—34 million bits per second;

(iii) Total connected "net capacity"—74,000 million bits;

(3) Array transform processors:

(i) "Equivalent multiply rate"—800,000 operations per second;

(ii) Fast Fourier Transform of 1,024 complex points—40 ms;

(iii) Word length—38 bits;

(c) The "digital computers" or "related equipment" therefor do not have the following characteristics:

(1) Those identified in paragraphs (h)(1)(i) (D) to (H) and (M);

(2) Those identified in paragraph (h)(1)(i)(b) having an "equivalent multiply rate" of more than 2 million operations per second;

Note.—Reserved.

ADVISORY NOTE 18 (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of "digital computers" or "related equipment" therefor in accordance with Advisory Note 5 not exceeding 70 million bits per second under Advisory Note 5(c).

ADVISORY NOTE 19 (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of peripheral equipment as follows:

(a) Cathode ray tube graphic displays that do not exceed any of the following parameters:

(i) 1,024 resolvable elements along one axis and 1,280 resolvable elements along the perpendicular axis;

(ii) 11.8 million bits of refresh storage; *or*

(iii) 256 shades of gray or color (8 bits per pixel);

(b) Plotting equipment and digitizing equipment that has an accuracy of 0.002% or worse and an active area of 254 cm × 254 cm or smaller;

(c) Disk drives that do not exceed:

(i) "Maximum bit transfer rate"—7.5 million bits per second; *or*

(ii) "Net capacity"—350 million bits;

ADVISORY NOTE 20 (for the People's Republic of China): Licenses are likely to be approved for bulk shipments to satisfactory end-users in the People's Republic of China of personal computers and small business computer systems controlled by paragraph (h) of this ECCN 1565A that do not exceed any of the following parameters:

(a) "Total processing date rate"—15 million bits per second;

(b) "Virtual storage" capability—512 million Bytes (4,096 million bits); or

(c) The other technical parameters of the system—the limits contained in Advisory Note 9(b) without taking into account Advisory Note 9(b)(2)(v).

ADVISORY NOTE 21 (for the People's Republic of China): Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China of spare parts in accordance with Advisory Note 7 (a) and (b) to this ECCN 1565A.

5. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 6565G is amended by revising the reference in the heading to "paragraph (h)(2)(iv)" to read "paragraph (h)(2)(iii)".

Dated: January 22, 1988.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 88-1648 Filed 1-28-88; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 389

[Docket No. RM83-39-000; Order No. 484]

Fees for Hydroelectric Project Applications To Reimburse Fish and Wildlife Agencies

Issued: January 25, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of OMB control number.

SUMMARY: The Federal Energy Regulatory Commission (Commission), on November 18, 1987, issued a final rule (Order No. 484) in Docket No. RM83-39-000, 52 FR 45167 (Nov. 25, 1987). The rule established a list for utilities to use in classifying certain property at nuclear power plants as "retirement units" for accounting purposes. This notice states that the Office of Management and Budget has approved the information collection requirements in Order No. 484.

EFFECTIVE DATE: January 25, 1988.

FOR FURTHER INFORMATION CONTACT: Sandra S. Vincent, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On January 12, 1988, OMB approved the information collection requirements of 18 CFR Part 116 as amended by this rule under Control Number 1902-0021. Therefore, the final rule in Docket No. RM83-39-000 will become effective January 27, 1988. No amendment to the Table of OMB Control Numbers in 18 CFR 389.101(b) is necessary since control number 1902-0021 is already assigned to Part 116 in the table.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-1840 Filed 1-28-88; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 84-18, Notice No. 3]

Truck Size and Weight; Automobile Transporters

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is revising certain provisions established by the final rule on truck size and weight published at 49 FR 23302 on June 5, 1984. This rule establishes:

(1) Definitions of automobile transporter equipment, (2) length requirements for stinger-steered

automobile transporters and other tractor-semitrailer automobile transporter combinations, including low boys, (3) length requirements for triple saddlemount combinations, and (4) cargo carrying capability for truck tractors used as automobile transporters. This rule also affirms previous rulemaking in regard to: (1) Minimum allowable overhang for automobile transporters, (2) the exclusion of overhang from the overall vehicle length measurement, (3) grandfather rights of all longer dimensions legally operating on December 1, 1982, and (4) overall minimum length limitations for saddlemount and fullmount vehicle transporter combinations. The revisions clarify and further define certain issues contained in the June 5, 1984, final rule.

EFFECTIVE DATE: This final rule is effective February 29, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Philip W. Blow, Office of Motor Carrier Transportation (202) 366–4036 or Mr. David C. Oliver, Office of the Chief Counsel (202) 366–1354, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: A rule implementing the truck size and weight provisions of the Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97–424, 96 Stat. 2097, was published in the **Federal Register** on June 5, 1984 (49 FR 23302). This document represented the culmination of major efforts by the FHWA to implement the truck size and weight provisions of the STAA. The June 5, 1984, rule addresses, among many issues, automobile transporters pursuant to section 411(d) of the STAA by determining that automobile transporters constitute specialized equipment and are not subject to the provisions of 23 CFR 658.13 (a) through (c). Section 658.13(d) provides requirements relative to overall length and allowable overhang for automobile transporters.

The June 5, 1984, final rule also noted FHWA's intent to initiate further rulemaking on automobile transporters. This was initiated through an Advance Notice of Proposed Rulemaking (ANPRM), Docket 84–18, issued on October 2, 1984, at 49 FR 38958. This notice requested comments on the off-tracking characteristics of automobile transporters and certain alternatives to the provisions in the June 5 final rule.

In consideration of the 42 responses to the October 2, 1984, ANPRM, Docket 84–18, a Notice of Proposed Rulemaking (NPRM), Docket 84–18, Notice No. 2, was published in the **Federal Register** on November 25, 1985 (50 FR 48431). In that NPRM and based upon considerations of vehicle safety and operating characteristics, productivity, economic factors, and unique needs of the industry; FHWA proposed the following: (1) For clarity, add two new definitions of automobile transporters, (2) eliminate the overall length limit for traditional tractor-semitrailer automobile transporters when the semitrailer is not longer than 48 feet and implement the same minimum 48-foot semitrailer limit as for other tractor-semitrailer combinations, (3) continue recognition that longer automobile transporter combinations that were lawfully operating on or prior to December 1, 1982, are grandfathered, (4) reiterate that automobile transporters may carry cargo on the power unit (truck tractor) including an over-cab rack, (5) establish the same length requirements for "low boys" (built or modified especially to transport automobiles) as for traditional tractor-semitrailer automobile transporters, (6) establish a 75-foot overall length limit, exclusive of overhang, for the stinger-steered automobile transporter combination, (7) make no change to the overhang provisions established in the June 5, 1984, final rule, (8) allow triple saddlemount with fullmount vehicle transporter combinations within a 65-foot overall length, and (9) allow the same access for all the above automobile transporters as allowed 48-foot semitrailers.

Forty responses were received in reply to the NPRM (Docket 84–18, Notice No. 2) issued on November 25, 1985. Respondents are generally categorized as follows: State agencies and the District of Columbia (DOT)—15, trucking companies—13, manufacturers—5, trucking associations—3, turnpike authority—1, bus company—1, union—1, and research organization—1.

Definitions

In response to the proposal to define automobile transporters, 24 respondents submitted comments. Two State DOT's voiced objections; the District of Columbia DOT gave no specific reason for its objection and the Wisconsin DOT objected because, as proposed, the definition of automobile transporter would include a single vehicle (straight truck) in addition to a vehicle combination. The Wisconsin DOT recommends modifying the definition to remove the word "or" so the definition would read, "Any vehicle combination designed * * *." The FHWA concurs with the suggested modification and has modified the definition accordingly in the final rule.

In response to the proposed definition for stinger-steered tractor-semitrailer automobile transporter combinations, 23 respondents agree that the definition should remain as proposed, i.e., the fifth wheel is located on a drop frame behind and below the rear axle(s) of the power unit, and the power unit is capable of carrying several vehicles over and behind it. Thus, this definition remains unchanged in the final rule.

Traditional Tractor-Semitrailer Automobile Transporter Overall Length

In reviewing the NPRM comments and the June 5, 1984, final rule, it was determined that although there were few objections to a minimum 65-foot overall length limit (exclusive of overhang), this length was shorter than that of STAA allowed tractor-semitrailer combinations, i.e., 22- to 24-foot tractor with a 48-foot semitrailer yielding overall lengths between 67 and 68 feet. In the November 25, 1985, NPRM, FHWA proposed to alleviate this situation by eliminating the overall length requirement for the traditional tractor-semitrailer automobile transporters (fifth wheel located on tractor frame over rear axle(s)) and using the same minimum 48-foot semitrailer requirement as with other tractor-semitrailer combinations.

There were 26 responses to that part of the proposal to eliminate the overall length requirement. Of these, the Teamsters Union and the Massachusetts and New York DOT's agree with the proposal to remove the overall length limit. The States request that the overall limit be removed and replaced with the establishment of a semitrailer length not to exceed 48 feet. The Teamsters Union asserts that the establishment of a semitrailer length limit is consistent with the intent of the STAA of 1982. All of the industry commenters on this issue oppose the elimination of the 65-foot overall length limit for traditional tractor-semitrailer automobile transporters. Industry commenters cite the sizeable investment in longer semitrailers since adoption of the 65-foot overall length limit in the June 5, 1984, final rule and the opportunity for flexibility in design.

There were 27 responses to that part of the proposal to establish a 48-foot minimum semitrailer length limit. Six responses favor the proposal and 21 oppose it. Massachusetts and New York State Dot's approve of providing a semitrailer length limit if not longer than 48 feet. The Oregon DOT states that no

distinction should be made between traditional tractor-semitrailer automobile transporter combinations and other tractor-semitrailer combinations currently allowed by STAA. The Virginia and Idaho DOT's support the 48-foot minimum length limit, but do not explain the basis for their position. The Teamsters Union approves the length limit because the proposal is consistent with the intent of the STAA of 1982. Most of the industry commenters oppose the 48-foot minimum semitrailer length limit and recommend that if a 48-foot length limit is adopted that it apply to only tractor-semitrailer combinations in excess of 65 feet.

Based on an assessment of the comments submitted to Docket 84–18, Notice No. 2, the existing law was considered to provide a safe and equitable operation. The 65-foot overall length limit (exclusive of overhang) with no semitrailer length limit for traditional tractor-semitrailer automobile transporters, will remain as promulgated in the June 5, 1984, final rule.

Grandfathered Automobile Transporter Semitrailer Lengths

Eighteen commenters addressed an issue not raised specifically by FHWA concerning the appropriate date for grandfathering automobile transporters. These 18 commenters stated that the grandfather date should be the date the final rule was published (Truck Size and Weight; Final Rule, June 5, 1984). However, no change is being made in the grandfather date due to specific language in the STAA of 1982. In accordance with the June 5, 1984, rule, all automobile transporters semitrailers dimensions longer than 48 feet legally operating in a given State on December 1, 1982, are grandfathered and continued operation in such States must be allowed. The purpose of the grandfather "semitrailer lengths" provision was to prevent States from reducing their length limits existing on December 1, 1982, that were greater than the limits established in the STAA.

Cargo On Power Unit

Only two responses refer directly to the issue of carrying cargo on an over-cab rack. The Teamsters Union approves, yet also states that the rule should explicitly limit the truck tractor to carry only one vehicle on the over-cab rack on traditional tractor-semitrailer combinations. The District of Columbia DOT proposes that a vertical dimension limitation be included in the rulemaking to prevent heights in excess of 13 feet 6 inches. The June 5, 1984, final rule allows for cargo to be carried on the power unit and with the overhang limits should satisfy the Teamsters' concerns. FHWA continues this position.

The law is silent with respect to vertical dimension limitations. As a result of the variance in the height of overhead obstructions, FHWA is allowing this to continue to be subject to State regulation.

Low Boys

The vehicle traditionally referred to as a "low boy" as discused by several commenters in response to Docket 84–18 (49 FR 38956, October 2, 1984) is a special type of automobile transporter. The FHWA studied the issue, and in a NPRM, Docket 84–18, Notice No. 2 (50 FR 48431, November 25, 1985) stated its position that if a low boy had been built or modified especially to transport vehicles, then it should qualify as a automobile transporter. In addition, FHWA concluded that the length requirements applicable to these vehicles should be the same as for the traditional tractor-semitrailer automobile transporter.

There were five direct responses to the low boy issue as published in the NPRM. Two commenters object. The Georgia DOT states that low boy semitrailers can be used as "part-time" automobile transporters and the enforcement of dimension laws could be confusing. The Georgia DOT also indicates that haulers with other types of loads will ultimately expect the same exemptions from the law. The District of Columbia DOT states opposition to all amendments proposed in the November 25, 1985, NPRM. The Georgia DOT's concerns are satisfied by the definition of automobile transporter. Accordingly, if an operator uses a low boy to transport any cargo other than "assembled * * * highway vehicles," the low boy semitrailer will be subject to the same length requirements under the STAA as all other semitrailers designed to haul general cargo. In regard to enforcing the dimensions of empty low boys, such factors as obvious modification, trucking company business, and content of the previous load would determine the appropriate enforcement practice.

The FHWA continues its position regarding configurations that offer safety and productivity advantages which includes the use of low boy semitrailers in tractor-semitrailer combinations when used specifically for the transport of assembled highway vehicles. The term low-boy is included in § 658.13(d) for clarity.

Stinger-Steered Tractor-Semitrailer Automobile Transporters Overall Length

There were 34 responses relating to the proposed minimum seventy-five foot overall length (exclusive of overhang) requirement for stinger-steered automobile transporters. Nineteen commenters support 75 feet overall length and twelve commenters object. Missouri, Illinois, Georgia, Iowa, New Jersey, New Jersey Turnpike Authority, and New York object to any minimum length limit in excess of 65 feet.

Several issues were included in the comments objecting to the 75-foot length proposed. The Iowa DOT objects to the establishment of a minimum 75-foot stinger-steered overall length limit, because this limit conflicts with efforts to limit off-tracking through application of a 40-foot kingpin to rear axle restriction. The New Jersey and New York DOT's prefer the present 65-foot overall length limit plus a 5-foot overhang allowance. The District of Columbia DOT stated that although the Interstate and primay routes within the District will generally accommodate the proposed longer lengths, the local street system may not, except under special conditions. The Illinois DOT states that 82 feet (including front and rear overhang) is to long for two-lane roads. The Oregon, Washington State, and Idaho DOT's state that tractors with stinger-steered semitrailers should be allowed to operate with 75-foot lengths but include overhang. Oregon and Washington State further state that the commodity being carried should not be a determining factor in vehicle size limitations. The California DOT states that stinger-steered equipment has long been allowed in that State, and there is no inherent difference in safety between comparable semis and stinger-steered equipment. Additionally, the Alaska DOT, Western Highway Institution, and the National Automobile Transporters Association, do not object to the 75-foot minimum requirement.

Most of the objections dealt with safety concerns. A previous docket addressed off-tracking studies that have shown that a 75-foot stinger-steered combination tracked better than a 48-foot semi-trailer combination and was essentially equal to that of a 45-foot semi-trailer combination.

The NPRM noted that studies were to be made concerning the jackknifing tendencies of the stinger-steered automobile transporters. This research, conducted by the University of Michigan Transportation Research Institute (UMTRI), showed that the longer tractor wheelbase on stinger-steered vehicles

reduces the jackknifing potential of these vehicles relative to traditional fifth wheel-type vehicles. The 75-foot stinger-steered automobile transporters that the UMTRI used in its research have less of a jackknifing tendency than the 65-foot automobile transporters that are currently allowed. Stinger-steered automobile transporters are also superior to many typical tractor semitrailers when operated in the empty condition because of their longer tractor wheelbases.

As a result of this research the FHWA has chosen the 75-foot overall length limit for stinger-steered automobile transporters.

Overhang and Length and Width Exclusions

Seven commenters responded to the overhang and length and width exclusions provisions issue as published in Docket 84–18, Notice No. 2. The Teamsters Union, Ryder System, Inc., and the Wisconsin DOT support the proposed overhang provision. The Wisconsin DOT also supports the proposed overhang provision but argues that FHWA allow an aggregate total of seven feet of overhang without other limits on the front and rear overhangs. Three State DOT's, Oregon, Idaho, Washington, as well as the District of Columbia DOT, object to the overhang provisions. The State of Oregon and Washington assert that overhang should be included in the 75-foot overall length for stinger-steered automobile transporters, while the State of Idaho indicates that overhang should be limited to a total of seven feet with no more than four feet to either the front or the rear. The District of Columbia DOT is opposed to all the proposed changes to the regulation which include overhang. Essentially, all of the objections to the overhang provisions were addressed in the context of overall length objections, there were no visibility or safety concerns raised as to the existing overhang provisions. Therefore, the June 5, 1984, Rule overhang provision that "no State may require less than three feet in the front and four feet in the rear" is being retained.

Saddlemount (Drive-Away) With Fullmount

In response to the proposal to allow triple saddlemount with fullmount vehicle transporter combinations within a 65-foot overall length, 26 responses were submitted. Twenty-two respondents favor this allowance, five from State DOT's and 17 from industry sources. Many of the industry commenters, such as the National Automobile Transporters Association, American Trucking Association, Ryder Systems, Inc., and the Western Highway Institute, urge support of a 75-foot minimum overall length limit for these types of vehicle combinations. The Oregon DOT favors the proposal, which was limited to vehicles of 65-foot overall length, but notes that triple saddlemounts with an overall length of up to 75 feet are allowed to operate in Oregon. The New York DOT supports triple saddlemounts with a 65-foot minimum. The Massachusetts and Idaho DOT's concur with the proposal, yet state no reason. The District of Columbia, New Jersey, and Wisconsin DOT's and the New Jersey Turnpike authority object to the proposal. Wisconsin DOT states concerns over the safety of the vehicle train because a triple saddlemount combination has three points of articulation and could jackknife while stopping. The State of New Jersey DOT has a law limiting vehicle combinations to two trailing units, therefore, New Jersey DOT states there is no compelling reason to change the law. The New Jersey Turnpike Authority enforces a regulation prohibiting double saddlemounts from traveling on the New Jersey Turnpike, and states that this proposal could have an impact on accidents in the heavily traveled traffic, as well as result in the deterioration of safety and service provided to motorists. The District of Columbia DOT opposes the proposal because of the problem larger vehicles have negotiating city streets. Its regulation only allows the operation of double saddlemounts within a 55-foot overall length.

The NPRM discussed several issues relative to the saddlemount combinations, i.e., the number of articulation points, the additional braking requirements of 49 CFR 393.71, and the low accident rate of the drive-away automobile transporter fleet.

After considering the comments as well as the above, FHWA believes that the provision for triple saddlemount with a 65-foot minimum overall length is a safe and equitable balance. This provision therefore remains unchanged.

Reasonable Access

In response to the proposal that automobile transporters be allowed access equivalent to that allowed the 48-foot semitrailers, 19 respondents made comments. Eighteen industry respondents object to the access requirement as each commenter requested additional access to terminals, dealers and secondary manufacturers via the safest and most practical routes. The ATA, NATA, and others stated that the access policy is discriminatory not only to carriers, but also to shippers. The Virginia DOT, the only respondent favoring the proposal, continues to support regulations allowing the States to determine safe access provisions with FHWA oversight. FHWA agrees with the Virginia DOT and is requiring that automobile transporters be afforded the same access allowed 48-foot semitrailers. This position is in line with the existing regulations which allows the States to determine access provisions with FHWA oversight.

Summary of Actions

Therefore, based upon full consideration of public comments received and on a further review by FHWA, Sections 658.5 and 658.13 are amended as described herein. Two paragraphs are being added to Section 658.5 to define automobile transporters and stinger-steered automobile transporters. An automobile transporter is being defined (paragraph (m)) as any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. A stinger-steered automobile transporter is being defined (paragraph (n)) as a truck-tractor semitrailer combination wherein the fifth wheel is located behind and below the rear axle of the power unit.

Paragraph 658.13(d) is being revised to incorporate the results of FHWA's consideration of the comments on: (1) Carrying cargo on the power unit, (2) the 75-foot overall length limitation for stinger-steered automobile transporters, and (3) grandfathered semitrailer length for automobile transporters.

Paragraph 658.13(d) is also being revised to establish that saddlemount with fullmount vehicle transporter combinations are considered specialized equipment and to establish the minimum overall length limit of these combinations at 65 feet.

Interpretations pertaining to length and width exclusive devices, including tie-downs, will be addressed under a separate action. Therefore the proposed revision to paragraph 658.13(e) is being withdrawn.

Based on its consideration of the docket comments, the FHWA has determined to adopt the regulation as proposed in the November 25, 1985, NPRM with regard to the following issues: (1) The minimum 65-foot overall vehicle length limitation (exclusive of overhang), (2) the carrying of vehicles on

the power unit, (3) the use of low boy semitrailers for carrying highway vehicles, (4) the minimum front and rear overhang limitations, (5) minimum 65-foot overall length limitation for saddlemount with fullmount vehicle transporter combinations, and (6) reasonable access for automobile transporters.

Regulatory Impact

The FHWA has considered the impacts of this notice and has determined that it is not a major rulemaking action within the meaning of E.O. 12291 and not a significant rulemaking under the regulatory policies and procedures of the DOT. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking technically amends the June 5 final rule, clarifying and further defining certain issues contained therein. The impacts of the provisions addressed in this rulemaking do not differ in substance from those fully considered in the original impact statement accompanying the June 5 final rule. Automobile transporters make up a small segment of the total medium to heavy truck population (approximately 13,000 vehicles out of a total medium to heavy truck population of over 2 million). The stinger-steered units constitute an even smaller percentage. Productivity gains, although insignificant in the total picture, could be considerable for this minor constituency, but cannot be quantified on the basis of available data. Safety considerations have been addressed earlier in this preamble. The Regulatory Impact Analysis prepared for the June 5 rulemaking is available for inspection in the Headquarters Office of FHWA, 400 Seventh Street SW., Washington, DC.

Under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Lists of Subjects in 23 CFR Part 658

Grants programs-transportation, Highways and roads, Motor carrier-size and weight.

Issued on: January 25, 1988.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

PART 658—TRUCK SIZE AND WEIGHT; ROUTE DESIGNATION—LENGTH, WIDTH AND WEIGHT LIMITATIONS

In consideration of the foregoing, the FHWA hereby amends Chapter 1 of Title 23, Code of Federal Regulations, Part 658 as set forth below.

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97–424, 96 Stat 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313; 49 App. U.S.C. 2316), as amended by Pub. L. 98–17, 97 Stat. 59, and Pub. L. 98–554, 98 Stat 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraphs (m) and (n) as follows:

§ 658.5 Definitions.

* * * * *

(m) *Automobile Transporters*—Any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles.

(n) *Stinger-Steered Automobile Transporter*—An automobile transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

3. Section 58.13 is amended by revising paragraph (d) to read as follows:

§ 658.13 Length.

* * * * *

(d) *Specialized Equipment*—(1) *Automobile Transporters.* (i) Automobile transporters are considered to be specialized equipment. As provided in 658.5(k), automobile transporters may carry vehicles on the power unit behind the cab and on an over-cab rack. No State shall impose an overall length limitation of less than 65 feet on traditional automobile transporters (5th wheel located on tractor frame over rear axle(s)), including "low boys," or less than 75 feet on stinger-steered automobile transporters. Paragraph (c) requires the States to allow operation of vehicles with the dimensions that were legal in the State on December 1, 1982.

(ii) All length provisions regarding automobile transporters are exclusive of front and rear overhang. Further, no State shall impose a front overhang limitation of less than three (3) feet nor a rearmost overhand limitation of less than four (4) feet.

(iii) Drive-away saddlemount with fullmount vehicle transporter combinations are considered to be specialized equipment. No State shall impose an overall length limit of less than 65 feet on saddlemount with fullmount combinations. (Triple saddlemount combinations shall be allowed when conforming to the 65-foot length limit and the applicable safety regulations at 49 CFR 393.71.)

(2) [Reserved]

* * * * *

[FR Doc. 88–1901 Filed 1–28–88; 8:45 am]

BILLING CODE 4910–22–M

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23 CFR Part 658

[FHWA Docket Nos. 83–14 and 85–16]

Truck Size and Weight; Grandfathered Semitrailer Lengths

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This notice sets forth the grandfathered semitrailer lengths for fifty States, the District of Columbia, and Puerto Rico in accordance with the grandfather right established in section 411(b) of the Surface Transportation Assistance Act of 1982 (STAA). The grandfathered length for each State was determined by existing State law, practices, or agreement between the individual States and the trucking industry as to the length of semitrailers lawfully in use in each State, without need of special permit, on or prior to December 1, 1982.

EFFECTIVE DATE: This final rule is effective January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. C.J. MacGowan, Office of Motor Carrier Information Management and Analysis (202) 366–4032 or Mr. David C. Oliver, Office of Chief Counsel, (202) 366–1354, Federal Highway Administration, 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 legal holidays.

SUPPLEMENTARY INFORMATION: A final rule implementing the truck size and weight provisions of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2097 (STAA), was published at 49 FR 23302 on June 5, 1984 (FHWA Docket No. 83–14). The provisions established in that final rule are contained in 23 CFR Part 658.

One issue not completely resolved by the June 5 rulemaking involves the determination of the maximum length of semitrailers and trailers which could

legally operate, without special permit, in each State on December 1, 1982. Identification of these lengths is important because section 411(b) of the STAA provides for the continued legality of semitrailers and trailers of such dimensions as those in actual and legal use in the State on that date. The applicable sentence reads:

> No State shall establish, maintain, or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State as of December 1, 1982.

This grandfather right applies only to those units operating on the National Network and under the reasonable access provision of the STAA. The States can regulate the overall length of vehicle combinations on other highways. This position has recently been affirmed by the Federal courts.

A segment of the June 5 rule established the grandfathered semitrailer lengths for 23 States, the District of Columbia, and Puerto Rico. The rule also committed the FHWA to initiate separate rulemaking for establishment of grandfathered semitrailer lengths for the remaining 27 States.

On March 1, 1985, a notice of proposed rulemaking (NPRM) 50 FR 8342 (FHWA Docket No. 85–16) published a proposed list of grandfathered semitrailer lengths for the remaining 27 States. The proposed grandfathered length for each State was based on criteria developed by the FHWA and published in the same NPRM. The FHWA received 50 comments to the NPRM, 30 from political persons or entities and 20 from corporations or trade associations (hereafter referred to as "industry"). In total, the comments represented 23 States.

The published lengths for the States of Colorado, Illinois, Massachusetts, Nebraska, North Dakota, and Tennessee generated no comment from any source. Therefore, this final rule adopts the lengths as published.

Comments were received asserting that the lengths in four States should be as follows: Florida, 57 feet 6 inches; Minnesota, 53 feet; Washington, 57 feet 4 inches; and Wisconsin, 53 feet. However, no conclusive justification for these lengths was provided, as semitrailers longer than 48 feet operated in these States only under special permit. Accordingly, FHWA is establishing 48 feet as the maximum semitrailer length in these States, modified only in Wisconsin, which has a kingpin-to-rear axle restriction.

The proposed grandfathered lengths for six other States are being revised due to subsequent agreements between each individual State and industry, a court decision, or kingpin-to-rear axle restrictions. Those States are: California, 48 feet unrestricted, 53 feet with a kingpin-to-rear axle restriction; Delaware, 53 feet; Indiana, 48 feet 6 inches unrestricted, 53 feet with a kingpin-to-rear axle restriction; Mississippi, 53 feet; and Oklahoma, 59 feet 6 inches. This final rule adopts these proposed grandfathered lengths.

In addition, a recent circuit court ruling in the case of *National Freight v. Larson*, 760 F.2d 499 (3d Cir. 1985), *cert. denied*, ___ U.S. ___, 106 S.Ct. 228 (1985), held that Pennsylvania must allow 53-foot semitrailers with no overall length limit to operate on the National Network, with reasonable access provided by the STAA. However, that decision also indicated that the State can regulate the overall length of vehicle combinations on other highways. As a result of this decision, the FHWA is also revising the proposed regulatory language in the March 1, 1985, NPRM, 23 CFR 658.13(c)(1) to delete the second sentence.

In Texas, although the State has submitted a limit of 57 feet, semitrailers up to 59 feet long are allowed under an equipment grandfather claim, i.e., the 57 to 59 foot semitrailer was legal if the year model indicated a date prior to December 1, 1982. As the STAA provides for the continued operation of semitrailers with specific dimensions, the states cannot limit continued operation to specific equipment. Therefore, this rule is establishing the Texas limit at 59 feet.

By memorandum dated November 2, 1983, from the Office of the Attorney General to the Director of the Utah Department of Transportation, the legal length limit of semitrailers in the State was established at 45 feet. The motor carrier industry has provided an argument with some support indicating that longer semitrailers did in fact operate in the state prior to the passage of the STAA of 1982. The State has responded to a request for clarification of this matter by letter of April 29, 1987, which assumes for the purpose of argument the operation of such longer semitrailers *de facto*. Notwithstanding this assumption it is the state's position that state law on the applicable date legalized only the operations of 45-foot long semitrailers and that therefore the *de facto* operation is without effect for our purposes here. The FHWA administers a federally-aided state program. It is our stated intent to rely on state interpretations of state law insofar as they have not been preempted. Accordingly, we are establishing the grandfathered semitrailer length for Utah at 48 feet, in reliance upon the state determination of state law on December 1, 1982.

The State of Arizona has submitted information confirming that some industries were using semitrailers up to 57 feet 6 inches long, and staying within the State's overall length limitation of 65 feet, prior to December 1, 1982. Therefore, the grandfathered semitrailer length for Arizona is being established at 57 feet 6 inches.

In the States of Alabama, Arkansas, and Iowa industry contends that the proposed semitrailer lengths do not reflect the actual length of semitrailers that lawfully operated in those States prior to December 1, 1982. Industry contends that the appropriate grandfathered length for each of those States should be: Alabama, 53 feet 6 inches; Arkansas, 53 feet 6 inches; and Iowa, 53 feet. Some support for the operation of semitrailers of these lengths is present in the Docket. Following the rationale of the National Freight decision, the FHWA is establishing the grandfathered semitrailer length for these States as follows: Alabama, 53 feet 6 inches; Arkansas, 53 feet 6 inches; and Iowa, 53 feet.

In another four States, industry has requested lengths be established as follows: Idaho, 57 feet 4 inches; Montana, 57 feet 4 inches; Nevada, 55 feet; and New Mexico, 59 feet. However, no substantive evidence has been provided. On the other hand, each of these States has provided a plausible rationale for establishing the following lengths, which have been adopted in this final rule: Idaho, 48 feet; Montana, 53 feet; Nevada, 53 feet; and New Mexico, 57 feet 6 inches.

Three States objected to the proposed grandfather semitrailer lengths listed in the June 5, 1984, rule. These States and the proposed lengths are: Oregon, 53 feet; Rhode Island, 48 feet; and Wyoming, 57 feet 4 inches.

The State of Oregon claims that State law specified only a 60-foot overall maximum combination length. However, industry presented documentation for trips by 53-foot long semitrailers, but within the 60-foot overall combination length. Therefore, the grandfathered semitrailer length for Oregon is established at 53 feet.

The State of Rhode Island presented evidence of State law indicating a semitrailer length of 48 feet 6 inches. Therefore, the grandfathered semitrailer length for Rhode Island is established at 48 feet 6 inches.

The State of Wyoming contended that State statutes provided for overall combination vehicle length with no specific semitrailer length restriction. However, industry did not provide evidence supporting actual and lawful use of semitrailers in excess of 57 feet 4 inches. Therefore, the grandfathered semitrailer length for Wyoming is established at 57 feet 4 inches.

The States cannot restrict, by law or regulation, operations of semitrailers of grandfathered lengths or shorter on the National Network, established by 23 CFR Part 658. In addition, it should be noted that the right to continued operation applies to all semitrailers with these lengths and not just to specific equipment that was in existence and in operation on December 1, 1982.

Regulatory Impact

The FHWA has considered the impacts of this rule and has determined that it is not a major rulemaking action within the meaning of E.O. 12291. However, pursuant to E.O. 12498, this rulemaking action has been included in the Regulatory Program for significant rulemaking actions. These determinations by the agency are based on the nature of the rulemaking. The FHWA has determined that this rulemaking technically amends the June 5, 1984, final rule, finalizing certain issues left unresolved at that time. While the particular grandfathered lengths proposed for some States are new, the impacts of these changes have already been considered by the previous documentation. A Regulatory Impact Analysis was prepared for the June 5, 1984, rulemaking and is available for inspection in the Headquarters' office of FHWA, 400 Seventh Street, SW., Washington, DC.

For the same reasons and under the criteria of the Regulatory Flexibility Act, FHWA hereby certifies that this action will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA hereby amends Chapter 1 of Title 23, Code of Federal Regulations, by revising Part 658 as set forth below.

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program.)

Issued on: January 20, 1988.

Robert E. Farris,

Deputy Administrator, Federal Highway Administration.

658—TRUCK SIZE AND WEIGHT ROUTE DESIGNATIONS—LENGTH, WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR Part 658 continues to read as follows:

Authority: Secs. 133, 411, 412, 413, and 416 of Pub. L. 97–424, 96 Stat. 2097 (23 U.S.C. 127; 49 U.S.C. 2311, 2312, 2313, and App. 2316), as amended by Pub. L. 98–17, 97 Stat. 59, and Pub. L. 98–554, 98 Stat. 2829; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.13 is amended by revising paragraph (c)(1), removing paragraph (c)(2), and redesignating and revising paragraph (c)(3) as paragraph (c)(2) to read as follows:

658.13 Length.

* * * * *

(c) * * *

(1) No State shall prohibit the use of trailers or semitrailers of such dimensions as those that were in actual and lawful use in such State on December 1, 1982, as set out in Appendix B of this part.

(2) If on December 1, 1982, State length limitations on a semitrailer were described in terms of the distance from the kingpin to rearmost axle, or end of semitrailer, the operation of any semitrailer that complies with that limitation must be allowed.

* * * * *

3. Part 658 is amended by adding Appendix B to read as follows:

APPENDIX B—GRANDFATHERED SEMITRAILER LENGTHS

State	Feet and inches
Alabama	53–6
Alaska	48–0
Arizona	57–6
Arkansas	53–6
California	[1] 48–0
Colorado	57–4
Connecticut	48–0
Delaware	53–0
District of Columbia	48–0
Florida	48–0
Georgia	48–0
Hawaii	48–0
Idaho	48–0
Illinois	53–0
Indiana	[2] 48–6
Iowa	53–0
Kansas	57–6
Kentucky	53–0
Louisiana	59–6
Maine	48–0

APPENDIX B—GRANDFATHERED SEMITRAILER LENGTHS—Continued

State	Feet and inches
Maryland	48–0
Massachusetts	48–0
Michigan	48–0
Minnesota	48–0
Mississippi	53–0
Missouri	53–0
Montana	53–0
Nebraska	53–0
Nevada	53–0
New Hampshire	48–0
New Jersey	48–0
New Mexico	57–6
New York	48–0
North Carolina	48–0
North Dakota	53–0
Ohio	53–0
Oklahoma	59–6
Oregon	53–0
Pennsylvania	53–0
Puerto Rico	48–0
Rhode Island	48–6
South Carolina	48–0
South Dakota	53–0
Tennessee	50–0
Texas	59–0
Utah	48–0
Vermont	48–0
Virginia	48–0
Washington	48–0
West Virginia	48–0
Wisconsin	[3] 48–0
Wyoming	57–4

[1] Semitrailers up to 53 feet may also operate without a permit by conforming to a kingpin-to-rearmost axle distance of 38 feet.

[2] Semitrailers up to 53 feet in length may operate without a permit by conforming to a kingpin-to-rearmost axle distance of 40 feet 6 inches.

[3] Semitrailers up to 53 feet in length may operate without a permit by conforming to a kingpin-to-rear axle distance of 41 feet, measured to the center of the rear tandem assembly.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8172]

Procedure and Administration; Qualification of Trustee or Like Fiduciary in Bankruptcy

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations eliminating a requirement