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.

[FR Doc. 88–1905 Filed 1–28–88; 8:45 am]

BILLING CODE 4910–22–M

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

that a bankruptcy trustee, debtor in possession or like fiduciary in a bankruptcy proceeding give notice of appointment or authority to act. This rule change eliminates an unnecessary requirement.

DATES: These regulations are effective as of January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Mark S. Jennings of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:LR:T) (202-566-3458; not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to the procedure and Administration Regulations (26 CFR Part 301) under section 6036 of the Code. This amendment is issued under the authority contained in sections 6036 and 7805 of the Code (68A Stat. 744; 26 U.S.C. 6036; 68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provision

Section 6036 provides that every receiver, bankruptcy trustee, or like fiduciary or executor shall give notice of his qualifications to the Secretary of the Treasury as provided by regulations. The Secretary may provide exemptions from this notice requirement as he deems proper.

Section 301.6036-1(a)(1), before amendment by this document, required receivers, bankruptcy trustees, debtors in possession and other like fiduciaries in a bankruptcy proceeding to provide the appropriate district director with notice of appointment within 10 days of the date thereof. Notice was not required, however, if it had been given to the Secretary or other Treasury official under any provision of title 11 of the United States Code.

The amendment adopted by this document eliminates the notice requirement under section 6036 for bankruptcy trustees, debtors in possession and other like fiduciaries in a bankruptcy proceeding. This is because the Internal Revenue Service has determined that the notice requirements contained in the Bankruptcy Rules are sufficient for its purposes.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for final regulations subject to 5 U.S.C. 553(b)(B). Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of this Treasury decision is Bennett C. Steinhauer of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in drafting this Treasury decision, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise Taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of amendments to the regulations

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority citation for 26 CFR Part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * § 301.6036-1 also issued under 26 U.S.C. 6036.

Par. 2. Section 301.6036-1 is amended by revising paragraph (a)(1), the heading and introductory text of paragraph (a)(4)(i), and paragraph (e) as follows:

§ 301.6036-1 Notice required of executor or of receiver or other like fiduciary.

(a) *Receivers and other like fiduciaries.* (1) *Exemption for bankruptcy proceedings.* (i) A bankruptcy trustee, debtor in possession or other like fiduciary in a bankruptcy proceeding is not required by this section to give notice of appointment, qualification or authorization to act to the Secretary or his delegate. (However, see the notice requirements under the Bankruptcy Rules.)

(ii) Paragraph (a)(1)(i) of this section is effective for appointments, qualifications and authorizations to act made on or after January 29, 1988. For appointments, qualifications and authorizations to act made before the foregoing date, 26 CFR 301.6036-1 (a)(1) and (4)(i) (revised as of April 1, 1986) apply.

* * * * *

(4) *Contents of Notice*—(i) *Proceedings other than bankruptcy.* The written notice required under paragraph (a)(2) of this section shall contain—

* * * * *

(e) *Applicability.* Except as provided in paragraph (a)(1)(ii) of this section, the provisions of this section shall apply to those persons referred to in this section whose appointments, authorizations, or assignments occur on or after the date of publication of these regulations in the **Federal Register** as a Treasury decision.

* * * * *

This Treasury decision merely eliminates a requirement that a bankruptcy trustee, debtor in possession, or like fiduciary in a bankruptcy proceeding give notice of appointment or authority to act. For this reason, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: January 14, 1988.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 88-1809 Filed 1-28-88; 8:45 am]

BILLING CODE 4830-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-207; RM-5709, RM-6064, RM-6065]

Radio Broadcasting Services; Accomac and Deltaville, VA and Moyock, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 257B1 to Accomac, Virginia and Channel 222A to Deltaville, Virginia at the request of C & R Communications, Golden Rule Organization Workshop, Inc., respectively. It also substitutes Channel 221B1 for Channel 221A at Moyock, North Carolina and modifies the license of Station WOFM(FM) at the request of the licensee, Southland Communications, Inc. Channel 222A at Deltaville requires a site restriction of 6.7 kilometers (4.2 miles) northeast of the city. Channel 221B1 at Moyock requires a site restriction of 20.1 kilometers (12.5 miles) north of the