Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NHVD). Modified
Maps available for inspection at the City Hall, 201 East Main Street, San Jacinto, California.	
Colorado	
Boulder County (Unincorporated Areas) (FEMA Docket No. 6970)	
Boulder Creek:	
Approximately 1,920 feet upstream of North 75th Street	*5,120
Approximately 1,940 feet downstream of Service Road	*5,123
Approximately 1,420 feet downstream of Service Road	*5,125
Approximately 520 feet downstream of Service Road	*5,128
Maps are available for review at the Boulder County Department of Public Works, 1777 Sixth Street, Boulder, Colorado.	
Illinois	
Burr Ridge (Village), Du Page and Cook Counties (FEMA Docket No. 6970)	
63rd Street Ditch:	
About 340 feet downstream of Tomlin Drive	*640
Just downstream of Pond Inlet	*646
Just upstream of Pond Inlet	*654
About 950 feet upstream of Grant Avenue	*696
Maps available for inspection at the Town Hall, 7660 South County Line Road, Burr Ridge, Illinois.	
Indiana	
Jeffersonville (City), Clark County (FEMA Docket No. 6970)	
Greenbriar Tributary:	
Just upstream of mouth	*454
Just downstream of 10th Street	*457
Maps available for inspection at the Building Department, City/County Building, 501 East Court Avenue, Room 416, Jeffersonville, Indiana.	
Missouri	
Shrewsbury (City), St. Louis County (FEMA Docket No. 6970)	
Deer Creek:	
Just downstream of Burlington Northern railroad	*436
Just upstream of Burlington Northern railroad	*437
Just downstream of Big Bend Boulevard	*444
North Tributary to River Des Peres:	
Within community	*431
Maps available for inspection at the City Hall, 4400 Shrewsbury Avenue, Shrewsbury, Missouri.	
New Hampshire	
Lebanon (City), Grafton County (FEMA Docket No. 6970)	
Connecticut River:	
Downstream corporate limits	*346
Upstream corporate limits	*388
Mascoma River:	
Approximately 530 feet upstream of State Route 12A	*351
Approximately 430 feet upstream of the second most downstream crossing of the Boston and Maine Railroad	*425
Maps available for inspection at the City Hall, 51 North Park Street, Lebanon, New Hampshire.	
Pennsylvania	
Lehighton (Borough), Carbon County (FEMA Docket No.s 6973 and 6957)	
Mahoning Creek:	
Approximately 25 feet upstream of CONRAIL Bridge	*462
Approximately 700 feet upstream of Dam	*465
Approximately 25 feet upstream of East Penn Street bridge	*470
At upstream corporate limits	*482
Maps available for inspection at the Municipal Building, Constitution Avenue, Lehighton, Pennsylvania.	
Walker (Township), Centre County (FEMA Docket No. 6973)	
Nittany Creek:	
At downstream corporate limits	*925
Approximately 420 feet upstream of State Route 64	*1,036
Maps available for inspection at the Walker Township Building, R.D. 2, Box 427V, Bellefonte, Pennsylvania.	
Texas	
Farmers Branch (City), Dallas County (FEMA Docket No. 6964)	
Farmers Branch Creek:	
At confluence with Elm Fork of the Trinity River	*434
Approximately 1,825 feet upstream of confluence of Stream 6H1	*580
Rawhide Creek:	
At confluence with Farmers Branch Creek	*458
At upstream corporate limits	*564
Cooks Branch:	
At downstream corporate limits	*438
At Fyke Road	*503
Elm Fork of the Trinity River:	
At downstream side of Royal Lane	*432
Approximately .7 mile upstream of Valley View Lane	*438
Stream 6H1:	
At confluence with Farmers Branch Creek	*568
Approximately 1,565 feet upstream of Midway Road	*588
Tributary CB 187-L:	
Approximately 200 feet upstream of confluence with Cooks Branch	*484
Approximately 693 feet upstream of confluence with Cooks Branch	*486
Maps available for inspection at the City Hall, 13000 William Dodson Parkway, Farmers Branch, Texas.	
San Antonio (City), Bexar County (FEMA Docket Nos. 6968 and 6943)	
Zarzamora Creek:	
Downstream side of Callaghan Road	*799
At corporate limits	*801
Tributary D Salado Creek:	
Upstream face of Ira Lee Road	*709
Approximately 100 feet downstream of Harry Wurz Bach Road	*718
Leon Creek:	
Approximately 860 feet upstream of the corporate limits	*849
Approximately 1.4 miles upstream of the corporate limits	*873
Maps available for inspection at the Department of Public Works, Drainage Engineering, 14 W. Commerce Street, 7th Floor, San Antonio, Texas 78205.	

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 90-4550 Filed 2-27-90; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[Docket No. 88-326; FCC No. 88-283]

Tariff Filing Schedules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising its Rules governing access tariff filing schedules. The revisions consolidate two scheduled filing dates and delay a third filing. The revisions also move the effective date of annual filings from January 1 to July 1 permanently, beginning in 1990. Minor, conforming revisions in other schedules in the access rules are also made.

EFFECTIVE DATE: September 1, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Daniel F. Grosh, Tariff Division, Common Carrier Bureau, (202) 632-6387.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order CC Docket 88-326, adopted August 24, 1988, and released September 14, 1988. It was inadvertently not submitted to the **Federal Register** and not published in the **Federal Register** at that time.

The full text of Commission Decisions are available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In the Notice of Proposed Rule Making (NPRM) in the proceeding captioned above, this Commission proposed revisions in our Rules governing access tariff filing schedules. The revisions would consolidate two scheduled filing dates and delay a third filing. The revisions would also move the effective date of annual filings from January 1 to July 1 permanently, beginning in 1990. Minor, conforming revisions in other schedules in the access rules were also proposed.

2. The proposed revisions were generally supported by comments. Based upon our experience, we conclude that the revised rules will reduce the filing burdens on telephone companies,

the Commission, and the public and thus better serve the public interest and carry out the purpose of the Communications Act. With certain clarifications and minor conforming revisions, the proposed rules are therefore adopted.

3. We certify that the Regulatory Flexibility Act is not applicable to the rule changes we are adopting in this proceeding. The Rules adopted herein will have a beneficial economic impact on telephone companies because it reduces the number of required access filings made by or on behalf of the companies, and thereby reduces their administrative costs.

4. The rules adopted in this Notice have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information, collection, or recordkeeping, labeling, disclosure, or record retention requirements as contemplated under the statute. The Rules will not increase the collection of information burdens imposed on the public.

Ordering Clause

5. Accordingly, *it is ordered* that the amendments to part 69 contained herein are adopted effective September 1, 1988. This action is taken pursuant to sections 4, 201–203, and 403 of the Communications Act of 1934, 47 U.S.C. 154, 201–203, 403, and 5 U.S.C. 553.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

List of Subjects in 47 CFR Part 69

Communications, Common carriers, Telephone.

Rule Changes

Part 69 of title 47 of the Code of Federal Regulations is amended to read as follows:

PART 69—[AMENDED]

The authority citation for part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 104, 201, 202, 203, 205, 218, 403.

2. Section 69.2 is amended by revising paragraphs (v) and (w) to read as follows:

§ 69.2 Definitions.

* * * * *

(v) *Level II Contributors.* A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, that files its own Common Line tariff effective July 1, 1990, and that had a lower than average Common Line revenue requirement per minute of use in 1988 and thus was a net contributor (i.e., had a negative net balance) to the association Common Line pool in 1988.

(w) *Level II Receivers.* A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, that files its own Common Line tariff effective July 1, 1990, and that had a higher than average Common Line revenue requirement per minute of use in 1988 and thus was a net receiver (i.e., had a positive net balance) from the association Common Line pool in 1988.

* * * * *

3. Section 69.3 is amended by revising paragraphs (a), (b), (e)(6), and (e)(9) to read as follows:

§ 69.3 Filing of access service tariffs.

(a) Except as provided in § 69.3 of this chapter, a tariff for access service shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice with a scheduled effective date of July 1. Such tariff filings shall be limited to rate level changes.

(b) The requirements imposed by paragraph (a) of this section shall not preclude the filing of revisions to those annual tariffs that will become effective on dates other than July 1.

* * * * *

(e) * * *

(6) A telephone company or companies that elect to file such a tariff shall notify the association not later than December 31 of the preceding year, if such company or companies did not file such a tariff in the preceding annual period or cross-reference association charges in such preceding period that will not be cross-referenced in the new tariff.

* * * * *

(9) A telephone company or group of affiliated telephone companies that elects to file it own Carrier Common Line tariff effective April 1, 1989 shall notify the association not later than August 30 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective July 1, 1990 or thereafter pursuant to § 69.3(a) shall notify the association not later than December 31 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that electes to file its own Carrier Common Line tariff for one its study areas shall file its own Carrier Common Line tariff(s) for all of its study areas.

* * * * *

4. Section 69.209 is added to read as follows:

§ 69.209 Annual 1989 access tariff filings.

Notwithstanding § 69.3, tariffs for access service shall be filed to be effective April 1, 1989 for a period extending through June 30, 1990. Such tariffs shall be filed so as to provide a minimum of 90 days notice.

§ 69.606 [Amended]

5. Section 69.606 is amended by revising paragraph (b) to read as follows:

* * * * *

(b) The association shall submit a proposed revision of the formula for each annual period subsequent to December 31, 1986, or certify that a majority of the directors of the association believe that no revisions are warranted for such period on or before December 31 of the preceding year.

6. Section 69.612 is revised to read as follows:

§ 69.612 Long term and transitional support.

A telephone company that does not participate in the association Common Line tariff shall have computed by the association:

(a) *Long term support obligation.* (1) For the period from April 1, 1989 through June 30, 1994, the Long Term Support payment obligation shall be funded by all telephone companies that are not association Common Line tariff participants and do not receive transitional support pursuant to § 69.612(b).

(2) Beginning July 1, 1994 and thereafter, the Long Term Support payment obligation shall be funded by each telephone company that files its own Carrier Common Line tariff and does not receive transitional support.

(b) *Transitional support.* (1) Telephone Companies categorized as Level I and Level II Receivers that file their own Common Line tariffs effective April 1, 1989 shall receive Transitional Support for a four year period commencing April 1, 1989. Level II Receivers that file their own Common Line tariffs effective July 1, 1990 shall receive Transitional Support for a four year period commencing July 1, 1990. Transitional Support for each of these telephone companies shall be computed

on the basis of the net revenues less revenue requirement amounts for 1988 (adjusted for the additional revenues resulting from an increase in End User Common Line charges to $3.50). Transitional Support for these telephone companies during the transition shall be as follows:

Year 1—80% of the adjusted 1988 frozen amount
Year 2—60% of the adjusted 1988 frozen amount
Year 3—40% of the adjusted 1988 frozen amount
Year 4—20% of the adjusted 1988 frozen amount

(2) For the period from April 1, 1989 through June 30, 1994, the Transitional Support Fund shall be funded by all telephone companies or groups of affiliated telephone companies that are not association Common Line tariff participants and do not qualify under § 69.612(b)(1) for Transitional Support payments.

[FR Doc. 90-4424 Filed 2-27-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 390

[FHWA Docket No. MC-89-6]

RIN 2125-AC51

Federal Motor Carrier Safety Regulations; General; Marking of Rental Motor Vehicles

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending § 390.21, Marking of Vehicles, of the Federal Motor Carrier Safety Regulations (FMCSRs) to allow motor carriers who rent certain "rental vehicles" to mark those vehicles with the name and address of the rental company, and their "USDOT" Identification Number in lieu of requiring the renting motor carrier to display its required identification information on the sides of the rental vehicle. This action is being taken in response to a petition filed by the Truck Rental and Leasing Association (TRALA). The petition articulated compliance problems with a segment of the trucking industry that had not been considered during the promulgation of the marking requirement. This rule is providing an alternative method for compliance with the FHWA's marking requirements. The FHWA recognizes the uniqueness of the truck renting and leasing industry and believes that this action is cost-effective and will reduce the economic burden placed on the rental industry and motor carriers. This rule also establishes procedures for rental companies to follow in identifying their vehicles and the renting motor carrier.

EFFECTIVE DATE: This rule is effective March 30, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366-2981, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Motor Carrier Safety Act of 1984 (MCSA) (49 U.S.C. App. 2501-2520 (Supp. V 1987)) authorizes the FHWA to establish a minimum vehicle marking requirement for all commercial motor vehicles, as defined in the MCSA, if the agency determines that such a requirement will ensure that commercial motor vehicles are safely maintained, equipped, loaded, and operated.

The Interstate Commerce Commission (ICC) regulates the marking of commercial motor vehicles operated by another segment of the motor carrier industry. That segment is comprised of 2 groups of for-hire motor carriers, namely, common and contract motor carriers of property or passengers.

The final rule, published in the **Federal Register** on May 19, 1988 (53 FR 18042, Docket No. MC-114), and effective on November 15, 1988, amended part 390 of the Federal Motor Carrier Safety Regulations (FMCSRs) by adding § 390.21, Marking of Motor Vehicles. The final rule generally required self-propelled commercial motor vehicles operated by private motor carriers of property in interstate commerce and self-propelled motor vehicles operated by an interstate motor carrier of migrant workers to be marked. The marking was to be located on both sides of the self-propelled vehicle and consist of the motor carrier's name or trade name, the city or community and State (name abbreviated) in which the carrier maintains its principal place of business, and the motor carrier identification number (if issued by the FHWA, preceded by the letters "USDOT"). The statutory authority for the promulgation of the new rule was cited as 49 U.S.C. 3104.

The Truck Rental and Leasing Association (TRALA) petitioned the FHWA to amend the marking requirements found at 49 CFR 390.21 and thereby eliminate certain costly operational problems indicative of short-term rental of commercial motor vehicles to private and for-hire motor carriers. The TRALA stated that:

> The nature of the truck rental industry makes the vehicle marking rules for short term commercial rental vehicles impractical for a variety of reasons. Trucks and tractors that are available for rental to motor carriers are, in fact, rented as frequently as 50-150 times per year. Because of this frequency, any vehicle marking would have to be under the control of the truck rental company. To place the responsibility of vehicle marking on the customer could result in damage or disfigurement to the vehicle. Additionally, if the responsibility is placed on the customer, there will be many inadvertent violations of the regulation due to misunderstandings or confusion on the part of the customer * * * Nearly 15% of the companies that rent vehicles for short term use do not own or operate any trucks of their own. Because (they believe) they are not motor carriers, it is unlikely that they would have a census identification number.

In view of the above, the TRALA proposed the following:

> (a) That upon application by a truck rental company, the DOT will issue a census identification number to the company, provided it certifies to the DOT that it will display its census number and its own vehicle identification on the side of the vehicle and, it will, upon request of the DOT, provide the identity of any rental customer given the vehicle number and the time and date of a reported driving infraction.
>
> (b) That the display of the rental company's own census identification number and vehicle identification number will satisfy the vehicle marking requirements of any motor carriers using rental vehicles in interstate commerce.
>
> (c) Because the rules do not apply to "the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise," we propose that the rules relating to the marking of Motor Vehicles specifically exclude those vehicles, available for rent by the public, that are primarily dedicated to just such transportation.

The TRALA also proposed that the FHWA require the renting motor carrier's name, address, and DOT identification number be placed on the rental agreement and that rental agreement be carried on the vehicle during the full term of the rental agreement. Further, TRALA proposed that the rental company display conspicuously, on the rental agreement, the following language:

> This lessor cooperates with federal, state and local law enforcement officials

nationwide to provide the identity of customers who operate (this rental) vehicle.

On July 17, 1989, the FHWA published an ANPRM at (53 FR 29912) seeking public comments from interested parties on several marking of vehicles issues. Because the compliance problems cited by TRALA in its petition had not been considered in the promulgation of the marking requirements in § 390.21, the FHWA included TRALA's proposal concerning the marking of rental vehicles for commercial purposes.

Review of Comments

The FHWA received nineteen comments concerning the marking requirement proposal to Docket Number MC-89-6. Of these, seven favored the requirements as proposed by TRALA in the ANPRM (53 FR 29912).

Three respondents opposed TRALA's proposal. Nine offered no comments on TRALA's request.

The three commenters opposing the TRALA proposal cited the following reasons for their opposition. U-Haul International, a truck rental company, stated that although it generally supported TRALA's request to grant a total exemption to those vehicles which are primarily used for an already-exempt purpose—such as moving one's own belongings—it believed the marking requirements were not practical. The company believed that it is impossible to accurately identify a commercial movement through the resources available at the rental counter level.

Mr. David E. McCabe, a private citizen felt the renting motor carrier should supply its own door placards, and that a copy of the rental agreement should be kept in the vehicle when used in interstate commerce. The respondent also stated that rental companies leasing these types of vehicles to interstate carriers should be registered with the FHWA and that there should be some level of accountability imposed on the rental company.

The Massachusetts Department of Public Safety believes the TRALA proposal has a "definite flaw." "* * * a rental company that failed to mark its vehicles, in accordance with the regulation, could simply claim that it only rents its vehicles to private citizens. A company that wished to carry illegal cargo, i.e. hazardous material or contraband, would simply rent a truck as a private citizen knowing that an unmarked rental truck would be a telltale indicator of a private citizen moving personal belongings and therefore less likely to be stopped for a FMCSR inspection."

Of the six supporting TRALA, comments were received from the National Automobile Dealers Association, Federal Express, Yellow Freight System, Inc., the National Private Truck Council, Owner-Operator Independent Drivers Association, Inc., and the American Trucking Associations, Inc.

Several of the supporters justified their support by citing the following:

(1) Displaying the rental company USDOT number would relieve a common carrier of the duty to display its ICC number during short-term leases of rental equipment;

(2) It would eliminate a technical requirement for the renting motor carrier;

(3) TRALA's proposal would permit the rental companies to better protect the substantial investments they have in their vehicles; and

(4) TRALA's proposed revisions would enhance uniformity and relieve administrative burdens on small businesses.

One large association commented that the FHWA should consider the need to promulgate specific marking requirements for rental vehicles, due to their uniqueness.

The TRALA contends regulatory uniformity, motor carrier and vehicle identification, and driver identification will be enhanced if its proposal is acted upon affirmatively. The FHWA believes that the TRALA proposal has merit and is both reasonable and logical.

It is known from past enforcement experience that many entities which operate commercial motor vehicles in interstate commerce claim no knowledge of the existence of the DOT, the FHWA, or the FMCSRs. While ignorance of the law is no excuse, the situation, nevertheless, exists and creates a problem for those who must enforce regulations such as vehicle marking. The TRALA proposal could enhance compliance with Federal marking requirements, since that requirement would be brought to the renting motor carrier's attention each time a rental agreement is prepared and executed. Motor carriers who have not filed for a DOT identification number could then be advised to do so by the rental company. Since the rental company would be required to place the name and address of the renting motor carrier and its DOT identification number on each rental agreement, with a copy of the rental agreement being carried on the motor vehicle, the appropriate identification information of that renting motor carrier would always be readily available to enforcement personnel whenever needed.

The need for immediate information is of great importance to enforcement personnel at an inspection site and in the later development of statistical information. It has been determined that the character of the motor carrier's operation (interstate or intrastate) and whether hazardous materials transportation is involved are two items of information that are needed at the time a vehicle is stopped for inspection. The character of the motor carrier's operation is needed to determine applicability of the regulations. Identification of the commodities being transported is significant when rulemaking and/or enforcement strategies are being developed. If the renting motor carrier has been assigned a USDOT identification number and it is placed on the rental agreement, the needed information with either be known immediately or generated automatically at a later time. Without the renting motor carrier's identification number, an informational void is created unless additional information is obtained. Therefore, renting motor carriers who have not yet been assigned a USDOT identification number must supply the following information to the rental company for inclusion on the rental agreement:

1. The renting motor carrier (is/is not) an interstate motor carrier.

2. The renting motor carrier (does/does not) transport hazardous materials.

There is, at this time, little or no information available with which those motor carriers that rent commercial motor vehicles can be profiled. The FHWA intends to develop such information during the first two years following the issuance of this final rule. It is anticipated that a list of motor carriers using rental commercial motor vehicles will be developed from information obtained from the rental companies. Subsequently, the FHWA intends to sample that list to ascertain the renting motor carrier's degree of compliance with the FMCSRs. The results of the 2-year study will dictate any subsequent action. The FHWA invites all rental companies who plan to take advantage of this rulemaking action to work closely with Agency personnel in this monitoring effort.

The TRALA also proposed to define the term "Rented motor vehicle" to mean a self-propelled motor vehicle under a lease agreement having a term not in excess of twelve (12) months. The FHWA has determined that the vast majority of rental commercial motor vehicles are rented for a period of time that is less than thirty (30) days duration. In view of this, the FHWA is

defining the term "Rented motor vehicle" to mean a self-propelled commercial motor vehicle used by a motor carrier under a rental agreement having a term not in excess of 30 days.

The action taken in this rule results from reconsideration of a recently issued regulation based on information not fully available to the agency at the time. The marking requirement in § 390.21 does create a greater burden for certain carriers, and this amendment will relieve some of that burden by offering an alternative method of compliance. This rule adds no new requirements, and provides no relaxation of the safety purposes to be served by the marking requirement. Moreover, the proposal, while not in precise regulatory language, was previously published for comment and the comments received were considered. For these reasons the FHWA is issuing a final rule, but will continue to monitor the effects of this action while it considers additional issues related to the marking requirements.

Economic Impact Evaluation

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant action under the Department of Transportation's regulatory policies and procedures. The impacts of the marking requirements were considered in adopting the original final rule (53 FR 18052, May 19, 1988). The action taken here essentially codifies an alternative means of compliance for a segment of the industry that was uniquely affected by the original rulemaking. This action imposes no significant costs on the industry, but merely provides an alternative means of compliance, and a means that was specifically requested by the industry.

The TRALA has advised that its industry rents and leases approximately 1.2 million commercial motor vehicles per year. The TRALA estimates that 65% of those are "rental" vehicles. This equates to 780,000 commercial motor vehicles being rented per year (1.2 million×.65=780,000). It is estimated that 45% of all commercial motor vehicles are used in interstate commerce. Therefore, the adjusted estimate of the number of commercial motor vehicles used in interstate commerce and rented by the truck rental and leasing industry if 351,000 (78,000×.45=351,000). This rulemaking action provides an alternative means of compliance, and essentially relaxes an existing rule for those choosing to take advantage of it. This action is sought by an industry that services the motor carrier industry. The motor carrier industry supports the petition. Through contacts with the industry, it is estimated that it takes 10 minutes to apply signs to both sides of a commercial motor vehicle (10 minutes multiplied by 351,000 vehicles and divided by 60 minutes). If motor carriers choose to take advantage of the alternative, the FHWA estimates a burden reduction of 58,500 hours per year.

For these reasons and under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), the FHWA hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The FHWA believes that circumstances warrant the issuance of this rulemaking action without further notice and opportunity for public comment. First, this action does not alter the basic marking requirements established on May 19, 1988, but rather provides an alternative means of compliance. Second, the marking requirements went into effect on November 15, 1988, and to ease confusion as motor carriers seek to comply with the rule, immediate action is needed now. Finally, through the ANPRM, TRALA's alternative compliance suggestion has been subject to notice and comment. Our action here essentially grants a waiver under circumstances unique to this segment of the industry that justify adoption of this alternative compliance mechanism. Including this alternative in the regulatory text will enable others in a similar situation to take advantage of it. Therefore, the FHWA finds good cause to adopt the alternative as a final rule.

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

Federalism Assessment

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

List of Subjects in 49 CFR Part 390

Highway Safety, Highway and Roads, Motor carriers, Motor vehicle safety.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: February 16, 1990.

T. D. Larson,

Administrator.

In consideration of the foregoing, the FHWA is amending title 49, Code of Federal Regulations, subtitle B, chapter III, part 390, as follows:

PART 390—[AMENDED]

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

Authority: 49 U.S.C. app. 2503 and 2505; 49 U.S.C. 3102 and 3104; 49 CFR 1.48.

§ 390.21 [Amended]

2. Section 390.21 is amended by revising the heading and adding a new paragraph (e) to read as follows:

§ 390.21 Marking of commercial motor vehicles.

* * * * *

(e) *Rented commercial motor vehicles.* A motor carrier operating a self-propelled commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days may meet the requirements of this section in either one of two ways:

(1) The vehicle is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or

(2) The vehicle is marked as set forth below:

(i) The name or trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section;

(ii) The city or community and State (name abbreviated), in which the lessor maintians its principal place of business or in which the vehicle is customarily based is displayed in accordance with paragraphs (c) and (d) of this section;

(iii) The lessor's identification number, issued by the FHWA, preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and

(iv) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the Federal Highway Administration, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown:

(*1*) Information which will indicate if the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(*2*) Information which will indicate if the renting motor carrier is transporting hazardous materials in the rented vehicle;

(C) The sentence: "This lessor cooperates with all federal, state, and local law enforcement officials nationwide to provide the identity of customers who operate this rental vehicle;" and

(v) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental vehicle during the full term of the rental agreement.

[FR Doc. 90-4462 Filed 2-27-90; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 591

[Docket No. 89-5; Notice 5]

RIN 2127-ADOO

Importation of Vehicles and Equipment Subject to Federal Motor Vehicle Safety Standards; Correction

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

ACTION: Final rule; corrections.

SUMMARY: On February 5, 1990, NHTSA published its response to petitions for reconsideration of the final rule on the importation of motor vehicles and equipment subject to the Federal motor vehicle safety standards. NHTSA deleted the requirement under § 591.6(f) that an importer obtain written permission to license nonconforming vehicles which are imported under § 591.5(j) for use on the public roads. Through an oversight, the corresponding provision in § 591.7(c) was not deleted. This notice makes such a deletion. Section 591.5(f)(1) was amended to substitute the term "dutiable value" for "entered value", but an identical change was not made to § 591.6(c). This notice makes the change.

DATE: The corrections are effective February 28, 1990.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: On February 5, 1990, NHTSA published its response (Notice 4) to the petitions for reconsideration of 49 CFR part 591 Importation of Vehicles and Equipment Subject to the Federal Motor Vehicle Safety Standards (55 FR 3742). In response to these petitions, NHTSA deleted the requirement that written approval be obtained from the Administrator under § 591.6(f) prior to the importation of vehicles intended to be imported pursuant to § 591.5(j), that is, imported for the purpose of research, investigations, studies, demonstrations or training, and competitive racing events. Part of the deleted paragraph (f) required the prospective importer to request permission to license the vehicle on the public roads if use on the public roads was an integral part of the purpose for which the vehicle was imported. In making this deletion, NHTSA overlooked the restriction upon importation contained in § 591.7(c), that an importer of a vehicle which had entered the United States under a declaration made pursuant to § 591.5(j) may license it for use on the public roads only if written permission has been granted by the Administrator pursuant to § 591.6(f). Thus, the notice published on February 5 deleted the referent and the requirement it contained. This notice completes the prior rulemaking by also deleting § 591.7(c).

The Imported Vehicle Safety Compliance Act of 1988 specifies that conformance bonds shall be based upon "dutiable value". Part 591 as originally adopted used the term "entered value", which the agency understood was the term now in use by the U.S. Customs Service. However, upon reflection, NHTSA adopted a definition of "dutiable value" in the February 5, notice, specifying it to be the entered value of merchandise as determined by the Secretary of the Treasury. The term "entered value" appeared in two places in part 591, but through an oversight, only one of these (§ 591.5(f)(1)) was changed. This notice corrects the second of these, appearing in § 591.6(c). Finally, a typographical error appearing in new § 591.6(g) is corrected.

Because these amendments are corrective in nature, it is hereby found that notice and public comment thereon are unnecessary, and that they may become effective upon publication in the **Federal Register**. As they make no substantive changes, they do not affect any of the impacts previously considered in relation to part 591.

List of Subjects in 49 CFR Part 591

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, part 591 of 49 CFR is amended as follows:

PART 591—[AMENDED]

1. The authority citation for part 591 continues to read as follows:

Authority: Public Law 100-562, 15 U.S.C. 1401, 1407; delegation of authority at 49 CFR 1.50.

§ 591.6 [Amended]

2. In § 591.6(c) the phrase "entered value of the vehicle as determined by the Secretary of the Treasury" is removed, and the phrase "dutiable value of the vehicle" is substituted.

3. In the final sentence of § 591.6(g), the words "vehicle of equipment item" are changed to "vehicle or equipment item."

§ 591.7 [Removed]

4. Section 591.7(c) is removed.

Issued on: February 22, 1990.

Jeffrey R. Miller,

Deputy Administrator.

[FR Doc. 90-4461 Filed 2-27-90; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355-7127]

Atlantic Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS issues this notice to close the fishery for Atlantic bluefin tuna conducted by longline vessels permitted in the Incidental Catch category and operating in the Regulatory Area south of 36°00' N. latitude. Closure of this segment of the fishery is necessary because landings data indicate that the annual quota of Atlantic bluefin tuna allocated for this area will be attained by the effective date. The intent of this action is to prevent overharvest of the quota established for this fishery.

EFFECTIVE DATES: The closure is effective from 0001 hours local time February 28, 1990, through December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508-281-9324.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971-971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to

U.S. jurisdiction were published in the Federal Register on October 25, 1985 (50 FR 43396).

Section 285.22(f)(1) of the regulations at 50 CFR part 285 provides for an annual quota of 145 st (131.5 mt) of Atlantic bluefin tuna to be harvested from the Regulatory Area by longline vessels permitted in the Incidental Catch category. Of this amount, no more than 115 st (104.3 mt) may be landed in the area south of 36°00′ N. latitude. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the total catch of Atlantic bluefin tuna will equal any quota under § 285.22. The Assistant Administrator is further authorized under § 285.20(b)(1) to prohibit the fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota. The Assistant Administrator has determined, based on the reported catch, that the annual quota of Atlantic bluefin tuna for longline vessels fishing in the area south of 36°00′ N. latitude will be attained by the effective date of this notice. Fishing for, and retention of, any Atlantic bluefin tuna harvested under § 285.22(f)(1) must cease at 0001 local time on February 28, 1990.

Longline vessels permitted in the Incidental Catch category fishing north of 36°00′ N. latitude may continue to retain Atlantic bluefin tuna until the total annual quota of 145 st (131.5 mt) is achieved.

Other Matters

Notice of this action will be mailed to all Atlantic bluefin tuna dealers and to vessel owners permitted in the Incidental Catch category. This action is taken under the authority of 50 CFR 285.20, and is taken in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 971 *et seq.*

Dated: February 22, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-4559 Filed 2-23-90; 3:09 pm]

BILLING CODE 3510-22-M