the upper and left sides." This treatment was illustrated in proposed Figure 31C.

When the final rule was published, a more general requirement applicable to all trailers without reference to rear configuration was adopted with the thought that a less detailed specification would afford greater flexibility to trailer manufacturers. Under S5.7.1.4.1(b), the treatment is "applied horizontally and vertically to the right and upper left contours of the body, as viewed from the rear * * * ." Figure 31C was not adopted and Figure 30, which was adopted, depicts van and platform trailers only. Further, NHTSA provided no explanation of why the tank trailer proposals were not adopted. It has since explained to the industry in interpretation letters that the tank trailer proposal, as illustrated in Figure 31C, is an acceptable scheme for compliance with S5.7.1.4.1(b). To reflect these interpretations, NHTSA is amending S5.7.1.4.1(b) to specify that "if the rear of the trailer is other than rectangular, the strips may be applied to follow the contours of the rear in the uppermost and outermost areas of the rear of the trailer body on the left and right sides."

Trailer Illustrations

Figure 30 shows a side stripe with two breaks to illustrate that the side stripe is not required to be continuous. This Figure has been interpreted literally by some small manufacturers as requiring three long pieces of material. NHTSA is replacing Figure 30 with four drawings (Figures 30-1 through 30-4) which are more realistic. They include two examples of tank trailers which illustrate interpretations that side material may be mounted at the tank centerline when practicable locations closer to the ground are unavailable, another source of questions from tank trailer manufacturers. The new Figure also shows other required lamps and reflectors, which had not been illustrated in the original Figure 30.

Paragraph S5.1.1.29 (as amended October 6, 1993 (58 FR 52021)) states that "A trailer equipped with conspicuity treatment in conformance with S5.7 * * * need not be equipped with the reflex reflectors required by Table I of this standard if the conspicuity material is placed at the locations of the reflex reflectors required by Table I (emphasis added). The following discussion addresses the issues that have been raised by trailer manufacturers in their attempts to interpret S5.1.1.29.

Table II of Standard No. 108 requires side reflex reflectors on large trailers to be located from 375 mm to 1525 mm above the road surface and they must be

located where they are visible throughout a geometric range of +/-10degrees vertically and ± -20 degrees horizontally. There is no geometric visibility specification for conspicuity material which may be located as close to between 375 mm and 1525 mm as practicable. NHTSA is aware of at least two common examples of trailer conspicuity treatments which could not be placed at the same location as reflex reflectors. Container chassis use a side conspicuity treatment on the frame because there is no alternative. The material near the ends of a container chassis frame is shrouded by the forward and rear bolsters (full width cross members), and is not visible throughout the +/-20 degrees horizontal range required of reflex reflectors. Therefore, the reflex reflectors mounted at the tips of the bolsters must be retained. The other example appears in the new Figures. A tank trailer with conspicuity material on the fenders is shown in Figure 30–3, and the reflex reflectors may be omitted, but Figure 30–4 shows a tank trailer with a conspicuity treatment on the tank at a height much greater than 1525 mm. The height of the conspicuity material in Figure 30-4 is dictated by practicability, but the reflex reflectors must be located in the required range of 375 mm to 1525 mm and cannot be omitted.

Width of Retroreflective Tape

Paragraph S5.7.1.3(e) establishes three grades of retroreflective sheeting material (C2, C3, and C4) based on minimum levels of retroreflective brightness. Paragraph S5.7.1.3(d) establishes the width of C2, C3, and C4 sheeting. The intent of Standard No. 108 is to establish a minimum amount of light return per linear unit of conspicuity treatment. Thus, C2 material (with the stated width of 50 mm) could be used in widths of 75 mm (C3) or 100 mm (C4) because it exceeds the minimum performance requirements of C3 and C4 material. For the same reason, C3 material could be used in a width of 100 mm. Some trailer manufacturers would like to use C2 material in 75 mm or 100 mm widths but regard the unqualified width value as precluding them from doing so. NHTSA therefore is amending the width figures to be expressed as minimum values. This will also cure a technical problem affecting C2 material, which is available in 2-inch widths, but not the slightly lesser 50 mm width expressed in Standard No. 108.

Typographical Errors

In Notice 8 published on October 6, 1993, S5.7.1.4.1(c) erroneously stated a minimum width of 388 mm for conspicuity material placed on the horizontal member of the rear underride guard; the correct minimum is 38 mm.

The text of Standard No. 108 that is published annually in the Code of Federal Regulations omits underlining from the captions of paragraphs S5.4, S7.5 and S7.7. These are added.

Effective Date

Because the final rule clarifies existing requirements and imposes no additional burden upon any person, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance of the final rule is in the public interest. Accordingly these amendments are effective 30 days after their publication in the **Federal Register**.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures. This rulemaking has not been reviewed under Executive Order 12866. It has been determined that the rulemaking is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rule is to clarify existing requirements. Since the rule does not have any significant cost or other impacts, preparation of a full regulatory evaluation is not warranted.

National Environmental Policy Act.
NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. It is not anticipated that the rule will have a significant effect upon the environment simply because of the clarifications made to existing requirements.

Regulatory Flexibility Act. The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. Based on the discussion above, I certify that this rule will not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and motor vehicle equipment, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions will not be significantly affected by these minor amendments.

Executive Order 12612 (Federalism). This rule has also been analyzed in accordance with the principles and criteria contained in Executive Order