

Date: August 26, 1997.

**William Leary,**

*Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 97-29776 Filed 11-12-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[FL-70-9738b; FRL-5920-4]

#### Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Florida

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the Section 111(d)/129 State Plan submitted by Florida on November 18, 1996. The State Plan was submitted by Florida to satisfy certain Federal Clean Air Act requirements. In the Final Rules Section of this **Federal Register**, EPA is approving the State's Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated by reference herein. If no significant, material, and adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

**DATES:** Comments on this proposed rule must be received in writing by December 15, 1997.

**ADDRESSES:** Written comments should be addressed to Joey LeVasseur at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency,  
Region 4, Air and Radiation

Technology Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104.  
Florida Department of Environmental Protection, Air Resources Management Division, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

**FOR FURTHER INFORMATION CONTACT:** Scott Davis at 404/562-9127 or Joey LeVasseur at 404/562-9035.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register** and incorporated by reference herein.

Dated: October 15, 1997.

**A. Stanley Meiburg,**

*Acting Regional Administrator.*

[FR Doc. 97-29859 Filed 11-12-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 350

#### Public Meeting To Discuss the Development of Functional Specifications for Performance-Based Brake Testers Used To Inspect Commercial Motor Vehicles

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The FHWA is announcing a public meeting to discuss the development of functional specifications for performance-based brake testing machines purchased with Federal funds through the FHWA's Motor Carrier Safety Assistance Program (MCSAP). The FHWA is nearing the completion of a multi-year research program to evaluate prototype performance-based brake testing technologies, including roller dynamometers, flat-plate brake testers, and breakaway torque brake testers. The agency has determined that certain performance-based brake testing machines are eligible for funding under MCSAP but only as screening and sorting devices in commercial vehicle inspections. The purpose of the public meeting is to discuss the establishment of generic functional specifications that would be applicable to a range of brake testing technologies. The functional specifications would serve as guidelines for the States to use in determining whether the purchase of a specific brake tester would be an eligible expense under the MCSAP.

**DATES:** The meeting will be held on December 8, 1997. The meeting will begin at 9:00 a.m. and end at 4:00 p.m. The meeting will include a presentation of the results to date from the brake tester evaluation program and a review of preliminary functional specifications.

**ADDRESSES:** The meeting will be held at the National Highway Traffic Safety Administration's (NHTSA) Vehicle Research and Test Center in East Liberty, Ohio.

**FOR FURTHER INFORMATION CONTACT:** Mr. Larry W. Minor, Vehicle and Operations Division, Office of Motor Carrier Research and Standards, (202) 366-4009; Mr. Steve Keppler, Intelligent Transportation Systems—Commercial Vehicle Operations Division, Office of Motor Carrier Safety and Technology, (202) 366-0950; or Mr. Paul Alexander, State Programs Division, Office of Motor Carrier Safety and Technology (202) 366-9579, Federal Highway Administration, 400 Seventh Street, SW., Washington, D. C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1993, the FHWA initiated a research program to evaluate various performance-based brake testing technologies for use on commercial motor vehicles. The purpose of the program was to determine, through field-test data collection, if performance-based brake inspection technologies could improve or assist with the throughput and accuracy of the current inspection techniques which involve visual examination of components, measurement of push-rod travel on air-braked vehicles, and listening for air leaks. Following the completion of the first task of the program, in which various performance-based technologies were analyzed, several of the systems were selected for evaluation in a roadside field-test inspection program.

During the field tests, inspections were performed using both visual and performance-based methods to compare their ability to detect vehicle brake defects. In particular, a Commercial Vehicle Safety Alliance Level 4 inspection (consisting of the brake and tire portion of a Level 1 inspection) was conducted in addition to a performance-based brake test. The dual inspections were performed by State officials in each of eight States that volunteered to participate in the field test program.

The data collected from these dual inspections were tabulated and

correlations were sought between Federal Motor Carrier Safety Regulations (FMCSRs) violations, the North American Uniform Vehicle Out-of-Service Criteria used by officials in the United States, Canada, and Mexico, and various pass/fail criteria used by manufacturers of performance-based technology. In addition to the performance-based brake "failure" information, data relating to the operational characteristics of each prototype machine were also collected and evaluated. These data included setup and tear down times, vehicle inspection times, maintenance requirements, user friendliness, calibration procedures and results, operator skill-level requirements and information to generate a cost-benefit analysis. A key source of data was the interviews with State inspectors.

The preliminary findings from the first phase of the prototype brake testing program are documented in an interim report, "Evaluation of Performance-Based Brake Testing Technologies," December 1995, FHWA-MC-96-004. A copy of this report may be obtained by contacting one of the individuals listed at the beginning of this notice. The interim report presents findings based upon approximately one year of data from roller dynamometers used in Colorado and Ohio, and a flat plate tester in Minnesota.

West Virginia is currently participating in the field test evaluation of a roller dynamometer, Wisconsin is collecting data on a flat-plate tester, and Maryland and Nevada are collecting data on breakaway torque testers. Connecticut participated in the testing of a roller dynamometer for several months but elected to discontinue its involvement in the research program. The final report on the research program will be published in 1998.

### **Determination of Eligibility for MCSAP Funding**

On April 1, 1996, the FHWA issued a memorandum advising agency staff that two specific performance-based brake testing machines are eligible for funding under MCSAP. The memorandum indicated that the devices are prototypes, and are approved for screening and sorting purposes only. This means that States may request MCSAP funding to purchase one of the approved brake testers for use in screening or sorting vehicles at inspection sites. Vehicles that fail the performance test would be inspected to determine the reason for the poor test results. Generally, motor carriers cannot be cited for brake-related violations of the FMCSRs solely on the basis of the results from a performance-based brake tester. Citations are based upon the specific defects or deficiencies found during the in-depth inspection.

The FHWA is considering the development of pass/fail criteria for braking force that could be enforced by Federal and State officials using performance-based brake testing technologies. As inspection criteria or regulations are developed through the rulemaking process, the use of the performance-based brake testing machines could be expanded to include enforcement of the new Federal brake performance standards. The new standards would be an alternative to the stopping distances from 32.2 kilometers per hour (20 miles per hour) currently specified in 49 CFR 393.52 but rarely enforced by Federal and State officials because of difficulties in performing such tests at roadside. If brake force standards are developed through the rulemaking process, the States would be able to issue citations based upon the output from the brake testers.

The development of pass/fail criteria for braking force in commercial motor

vehicles will be considered for rulemaking but will not be a topic of discussion at the meeting. The meeting will focus only on the development of functional specifications for the brake testing technologies to ensure that the equipment accepted as eligible expenses under the MCSAP are capable of accurately measuring brake forces.

### **Meeting Information**

The meeting will be held on December 8, 1997, at the NHTSA's Vehicle Research and Test Center, located near the intersection of State Routes 33 and 347, East Liberty, Ohio. This location is approximately 55 miles northwest of Columbus, Ohio. The meeting is scheduled from 9:00 a.m. to 4:00 p.m. The NHTSA's Vehicle Research and Test Center is located on the grounds of the Transportation Research Center, a privately owned facility with controlled access. All visitors to the Transportation Research Center must be registered with the security office and wear a visitor's badge at all times while on the premises. Therefore, the FHWA requests that all interested parties contact one of the individuals listed at the beginning of this notice by December 1 to provide their name and company affiliation so that security personnel at TRC can be notified in advance. This will prevent delays in gaining access to the facility.

### **List of Subjects in 49 CFR Part 350**

Highway safety, Motor carriers, motor vehicle safety.

**Authority:** 49 U.S.C. 31136, 31502; 49 CFR 1.48.

Issued on: November 5, 1997.

**George L. Reagle,**

*Associate Administrator for Motor Carriers.*

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