3. Appendix A to 40 CFR part 282 is amended by adding in alphabetical order ''Connecticut'' and its listing as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Connecticut

(a) The statutory provisions include Connecticut's General Statutes, Chapter 446k, Section 22a–449(d), Duties and Powers of Commissioner, January 1, 1995.

(b) The regulatory provisions include Regulations of Connecticut State Agencies (''R.C.S.A.'') Sections 22a–449(d)–101 through 113, Underground Storage Tank System Management, July 28, 1994:

Section 22a–449(d)–101 Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks—Program Scope and Interim Prohibition

(a) Applicability of Sections 22a–449(d)–101 through 22a–449(d)–113.
(b) Interim Prohibition for deferred UST systems.
(c) General.
(d) Definition.

Section 22a–449(d)–102 UST Systems: Design, Construction, Installation, and Notification

(a) Performance standards for new UST systems.
(b) Notification Requirements.

Section 22a–449(d)–103 General Operating Requirements

(a) Spill and overflow control.
(b) Operating and maintenance of corrosion protection.
(c) Compatibility.
(d) Repairs allowed.
(e) Reporting and recordkeeping.

Section 22a–449(d)–104 Release Detection

(a) General requirements for all UST systems.
(b) Additional requirements.
(c) Requirements for petroleum UST systems.
(d) Requirements for hazardous substance UST systems.
(e) Methods of release detection for tanks.
(f) Methods of release detection for piping.
(g) Release detection recordkeeping.

Section 22a–449(d)–105 Release Reporting, Investigation, and Confirmation

(a) Reporting of suspected releases.
(b) Investigation due to off-site impacts.
(c) Release investigation and confirmation steps.
(d) Reporting and cleanup of spills and overfills.

Section 22a–449(d)–106 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

(a) General.
(b) Additional requirements.
(c) Initial response.
(d) Initial abatement measures and site check.
(e) Initial site characterization.
(f) Free product removal.
(g) Investigations for soil and ground-water cleanup.
(h) Corrective action plan.
(i) Public participation.

Section 22a–449(d)–107 Out-of-service UST Systems and Closure

(a) Temporary closure.
(b) Permanent closure.
(c) Assessing the site at closure.
(d) Applicability to previously closed UST systems.
(e) Closure records.

Section 22a–449(d)–108 Reserved

Section 22a–449(d)–109 Financial Responsibility

(a) Applicability.
(b) Compliance dates.
(c) Definition of terms.
(d) Amount and scope of required financial responsibility.
(e) Allowable mechanisms and combinations of mechanisms.
(f) Financial test of self-insurance.
(g) Guarantee.
(h) Insurance risk retention group coverage.
(i) Surety bond.
(j) Letter of credit.
(k) Use of state-required mechanism.
(l) State fund and other state assurance.
(m) Trust fund.
(n) Standby trust fund.
(o) Substitution of financial assurance mechanisms by owner or operator.
(p) Cancellation or non-renewal by a provider of financial assurance.
(q) Reporting by owner or operator.
(r) Record keeping.
(s) Drawing of financial assurance mechanisms.
(t) Release from the requirements.
(u) Bankruptcy or other incapacity of owner or operator or provider of financial assurance.
(v) Replenishment of guarantees, letters of credit, or, surety bonds.
(w) Suspension of enforcement [reserved].
(x) 40 CFR Part 280 Appendix I is incorporated by reference, in its entirety.
(y) Appendix II to 40 CFR Part 280—List of Agencies Designed to Receive Notification.
(z) Appendix III to 40 CFR Part 280—Statement for Shipping Tickets and Invoices.

Section 22a–449(d)–110 UST system upgrading, abandonment and removal date

(a) Petroleum UST system of which construction or installation began prior to November 1, 1985.
(b) Hazardous substance UST system of which construction or installation began prior to December 22, 1988.
(c) UST systems which comply with the standards specified in subsection 22a–449(d)–102(a) of these regulations.

Section 22a–449(d)–111 Life Expectancy

(a) How life expectancy determinations shall be conducted
(b) Life expectancy shall be as follows:
(c) The life expectancy of an UST system component.

Section 22a–449(d)–112 UST System Location Transfer

Section 22a–449(d)–113 Transfer of UST System Ownership, Possession, or Control

(a) Disclosure to transferee.
(b) Information submitted to the commissioner pursuant to section 22a–449(d)–102 of these regulations.

[FR Doc. 96–20366 Filed 8–8–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–88, Notice 02]

RIN 2127–AG02

Federal Motor Vehicle Safety Standards; Brake Hoses; Whip Resistance Test

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: As the result of an inquiry from Earl's Performance Products, this document amends Standard No. 106, *Brake Hoses,* by revising the whip resistance test conditions. As amended, the test conditions permit the use of a supplemental support in attaching certain brake hose assemblies for the purpose of compliance testing. This rulemaking amends a provision that had the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose assembly that may have safety advantages.

DATES: *Effective Date:* The amendments become effective on October 8, 1996.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA no later than September 23, 1996.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket 93–54; Notice 3 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (202–366–5274).

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of

Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–2992).

SUPPLEMENTARY INFORMATION:

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I. Background
II. Request for Interpretation and NHTSA's Response
III. Agency Proposal
IV. Comments on the Proposal
V. NHTSA Determination

I. Background

Standard No. 106, *Brake Hoses,* specifies labeling and performance requirements for motor vehicle brake hoses, brake hose assemblies, and brake hose end fittings. The Standard includes several requirements, including one for whip resistance. Section S5.3.3, *Whip resistance,* specifies that ''(a) hydraulic brake hose assembly shall not rupture when run continuously on a flexing machine for 35 hours.'' The purpose of the whip resistance requirement is to replicate the bending cycles that a brake hose experiences when mounted on a vehicle's front axle. The flexing machine simulates the turning of the front wheels combined with the jounce and rebound of the wheels on rough roads.

Section S6.3 specifies the test conditions and procedures for the whip resistance test, including the testing apparatus, test preparation, and test operation. The standard specifies that the testing apparatus is equipped with capped end fittings that permit mounting at each end point. The present specifications for the whip test apparatus are patterned after an existing Society of Automotive Engineers' (SAE's) Recommended Practice, J1401, *Hydraulic Brake Hose Assemblies for Use with Nonpetroleum Based Hydraulic Fluids* (June 1990).

II. Request for Interpretation and NHTSA's Response

On December 8, 1994, Earl's Performance Products (Earl's) asked the agency to issue an interpretation of the whip resistance requirements in Standard No. 106. Specifically, that company asked about the permissibility of using an alternative whip resistance test apparatus for testing hydraulic brake hose, since its hose will not pass the present whip resistance test. Earl's has manufactured its armored brake hose assembly for use in off-road, high performance race cars since the 1960s. That company sought permission to use the alternative fixture because it wished to begin selling its armored brake hose for use on the public roads. It claimed that its product is of very high quality and easily meets all of the requirements in Standard No. 106, except for the whip resistance test. Earl's brake hose is a hose armored with braided stainless steel. In contrast, most current brake hoses are made from rubber tubing alone.

Earl's armored brake hose is installed differently than a conventional hose. An Earl's hose, unlike a conventional hose, passes through and is held in place by a supplemental support (consisting of a ball bearing with a hole in it and the ball bearing housing) which cannot be removed from the hose. The support slides into and is held in place by a bracket which is attached to the vehicle frame or some other solid vehicle structure.

The alternative test apparatus includes means of simulating the attachment of the supplemental support to a vehicle. The apparatus is patterned after the way in which Earl's brake hose is currently mounted on racing vehicles and the way in which Earl's anticipates attaching the brake hose on vehicles used on the public roads, if the agency adopted its requested amendment.

If the supplemental support is not properly attached or mounted to the vehicle, Earl's product would fail the whip resistance test due to cyclic stress at the interface between the hose and the swaged collar at the fixed end of the hose assembly. Earl's claimed that such cyclic stress could occur in the real world, but does not pose a problem in that environment when the hose is protected by the supplemental support.

Earl's further indicated that it had successfully tested hose assemblies from 9 inches to 24 inches long, using its alternative test fixture. In describing its test fixture, that company stated that—

> * * * the whip dampener consists of a spherical bearing enclosed in a machined housing. The housing clips into the OEM bracket where the OEM hard brake tubing joins to the flexible brake hose. The flexible brake hose of stainless armored teflon is inserted through the bearing on assembly and cannot be removed. Suitable threaded couplings * * * are provided at each end of the assembly to match the OEM threads at the end of the hard lines and at the caliper of the wheel cylinder * * *

On April 24, 1995, NHTSA responded to Earl's request for an interpretation, concluding that the agency could not use a supplemental support to mount Earl's brake hose when conducting the whip test. NHTSA stated that—

> Section S6.3 cannot be interpreted to permit mounting the brake hose at the ''whip dampener.'' S6.3.1 *Apparatus* specifies a test apparatus that mounts the brake hose at ''capped end fittings'' on one end and ''open end fittings'' on the other, and specifies no mounting points in between. Thus a test apparatus that mounts the brake hose at a ''whip dampener,'' which is not an end fitting would not meet Standard No. 106.

The agency then stated that it would initiate rulemaking to further consider whether to amend the whip resistance test to permit the use of a supplemental support.

III. Agency Proposal

On November 16, 1995, NHTSA issued a notice of proposed rulemaking (NPRM) in which it proposed amending the whip resistance test of Standard No. 106. (60 FR 57562) Under that proposal, section S6.3.2 would be amended to permit an optional way to mount certain brake hose assemblies during the test through the use of a supplemental support. Without such an amendment, those armored brake hoses would remain prohibited because they cannot comply with the current whip resistance test. The proposed amendment was intended to allow the attaching of Earl's brake hose assembly in the test apparatus in the same way that it would be mounted in the real world on a vehicle. The agency stated that the proposal would apply to those brake hose assemblies that are fitted with a supplemental support that cannot be removed intact from the hose without destroying the hose. The supplemental support would be positioned and attached or mounted in a bracket that would simulate the way the support would be attached or mounted to a vehicle, in accordance with the recommendation of the brake hose assembly manufacturer. The agency invited comments about the appropriateness of the proposed modification to the whip resistance test.

NHTSA stated its tentative conclusion that Earl's brake hose has significant safety advantages. Among those safety advantages are the elimination of hose swell under pressure which results in a significant reduction in brake pedal travel and a much firmer brake pedal feel. A firmer pedal is desirable because it allows the driver to modulate braking force more precisely. The agency stated that armored brake hoses are designed to withstand operating conditions, such as those experienced in racing environments, that are more severe than those experienced in typical road environments. Brake hoses of this type are typically high quality and more expensive than those normally installed for use on the public roads.

IV. Comments on the Proposal

NHTSA received comments on the proposed amendment to the whip

resistance test from vehicle manufacturers (BMW and Chrysler) and brake hose manufacturers (Earl's, Titeflex, Continental Hose Company, and Stuart Goodridge (UK) Ltd).

BMW, Chrysler, and Earl's supported the proposed amendment to Standard No. 106. These commenters stated that the proposed amendment duplicates the manner in which these armored hoses are currently installed in many racing vehicles.

The brake hose manufacturers, other than Earl's, commented that the proposed amendment does not replicate the way in which a brake hose is supported in the real world. Both Titeflex and Goodridge complained that Earl's was attempting to circumvent the whip resistance requirements. These manufacturers stated that they had invested significant capital to develop stainless steel hoses that comply with the whip resistance test. Continental Hose, Goodridge, and Titeflex were also concerned about the safety of the supplemental support. Titeflex alleged that Earl's armored hose is unsafe, particularly in terms of its long term performance capability.

V. NHTSA Decision

After reviewing the comments and other available information, NHTSA has decided to amend the whip resistance test conditions in Standard No. 106 so that in setting up the test for a brake hose assembly designed to be installed with the use of a supplemental support, the method of installing those brake hose assemblies in the real world is replicated. Specifically, section S6.3.2 is amended to permit the use of a supplemental support and attachment bracket as an optional way of attaching those brake hose assemblies during the whip resistance test. The agency has concluded that it is appropriate and in the interests of safety to modify the provision that has prohibited certain armored brake hose assemblies until now. The agency emphasizes that the alternative test condition is applicable only to those brake hose assemblies that are fitted with a supplemental support that cannot be removed intact from the hose without destroying the hose and which are designed to be installed in vehicles with the supplemental support firmly attached to the vehicle structure. In the case of this type of brake hose manufactured for use on vehicles other than those originally designed for and equipped with such brake hose, there must be an add-on bracket that is used to modify those vehicles to accept this type of hose, that is an integral part of the hose assembly and that cannot be removed from the hose without destroying it.

Continental Hose and Goodridge asked the agency to clarify how a brake hose assembly with a permanent supplemental support would be mounted. Continental Hose was uncertain whether the supplemental support is to be put on the header end or both the header and caliper ends of the whip test apparatus.

NHTSA notes that the new whip resistance test conditions, as amended by today's notice, are generally the same as the ones previously set forth in the standard. Both ends of the brake hose will continue to be threaded into each end of the whip test machine header. The only difference is that today's amendment allows the addition of a supplemental support that extends out from the stationary header end of the whip test machine. This modification is consistent with the petitioner's request that the agency permit a supplemental support that is mounted on the fixed, non-rotating side of the whip test machine.

In response to Continental Hose's question, the agency notes that only the end of the brake hose assembly by the stationary header is fitted with a supplemental support. The end attached to the caliper is not equipped with such a supplemental support.

In the NPRM, NHTSA stated that the amendment would allow a brake hose assembly such as one like Earl's to be mounted during compliance testing in the same way that it is fitted to the vehicle in the real world. Several commenters were concerned that this amendment would not replicate real world conditions for brake hose assemblies installed on some vehicles in the aftermarket. Goodridge indicated that additional amendments were needed to ensure that, with respect to the supplemental support, the Standard would replicate the manner in which Earl's brake hoses are mounted in vehicles sold to the public. Goodridge stated that the requested modification does not always replicate how the brake hose is supported in the real world.

In response to these comments, Earl's stated that in most cases, the supplemental support is an integral part of the vehicle as it is newly manufactured. It further stated that the supplemental support to be used in testing correctly simulates the ''real world'' movement of the brake assembly during turning and suspension movement.

NHTSA has decided to amend Standard No. 106 by adding a provision in section S5.1 and S5.2.3 to ensure that the supplemental support and method of attachment to the vehicle that is used in the whip resistance test is the same as that which will be installed in vehicles in the real world. Accordingly, the test condition will replicate how the brake hose is installed in vehicles in the real world.

However, the agency believes that it is necessary to distinguish between brake hose manufactured for a vehicle that is equipped with a supplemental support as original equipment, and brake hose manufactured for a vehicle that needs to be modified by the addition of an aftermarket add-on mounting bracket in order to provide a means of attaching the supplemental support on the Earl's brake hose assembly to the vehicle. Brake hose such as Earl's brake hose would presumably fail the whip resistance test unless its supplemental support were properly attached.

In the case of a brake hose assembly designed with an unremovable supplemental support and manufactured as a replacement assembly for a vehicle equipped, as an integral part of its original design, with a means of attaching the support to the vehicle, that assembly is required to be sold in a package that is clearly marked or labeled as follows: ''FOR USE ON [*insert Manufacturer, Model Name*] ONLY.'' This requirement serves to inform an aftermarket purchaser that the brake hose assembly should only be used on a specific vehicle and does not have a universal application.

In the case of a brake hose assembly designed with an unremovable supplemental support and manufactured as a replacement assembly for a vehicle not equipped, as an integral part of its original design, with a means of attaching the support to the vehicle, NHTSA has decided to require that those brake hose assemblies be equipped with an add-on mounting bracket that is integrally attached to the supplemental support, along with instructions explaining how the mounting bracket is to be fastened to the vehicle and the consequences of not attaching the bracket to the vehicle. If the bracket were not used to attach the supplemental support to the vehicle, the brake hose assembly on such vehicles would not be capable of withstanding real world conditions. The agency believes that these additional requirements adequately respond to commenters' concerns that the petitioner's brake hose assembly was potentially unsafe and that the proposed test procedure was not representative of how such brake hose assemblies are supported in the real world.

Continental was concerned that the supplemental support would be prone

to failure, which might cause partial brake system failure. It stated that failure of the supplemental support would subject the interface between the brake hose and the swaged collar to the cyclic stress that causes failure.

NHTSA believes that there is no information to support Continental Hose's speculation that the supplemental support which Earl's expects to use is prone to failure. If such failures were to occur, the agency would treat them the same way it treats any other safety-related failure of a motor vehicle or item of motor vehicle equipment. The agency would expect the manufacturer to conduct a recall if one were appropriate.

Titeflex stated that Earl's brake hose assembly is an inferior design that poses a safety hazard in terms of its long term performance capability. Titeflex also stated that it developed and produced a stainless steel brake hose that complies with the standards under the current test conditions for the whip resistance test. This led Titeflex to state:

> We wish to contrast our philosophy of full compliance and safety assurance through proprietary technology to a weak attempt to meet the letter of the law merely to sell one's own product. A rhetorical question, therefore is appropriate: Why would and should Titeflex have invested the tremendous amount of time, money, and resources in developing patented technology that exceeds Standard No. 106 when NHTSA is considering relaxing those safety standards.

NHTSA recognizes that there are design choices and investments associated with the provisions of Standard No. 106, just as there are with the provisions of each of the agency's standards. The agency recognizes also the impact that amending its standards has on those choices and investments. However, the agency must remain open to amending its standards in response to changing safety needs and changing vehicle technology. NHTSA notes that the agency may, with proper justification, amend a standard provided that the change is consistent with the agency's statutory authority. Foremost among its statutory concerns is not making any amendments that would compromise safety. Titeflex is concerned that Earl's will be selling an inferior product compared to products, such as its own, that comply with Standard No. 106 under the present test conditions. NHTSA has decided that allowing certain brake hose assemblies to be tested in accordance with the new test conditions will not compromise the level of safety performance compared with the current test conditions. Specifically, NHTSA is not aware of any information (and Titeflex did not provide any such information) supporting Titeflex's claim that Earl's brake hose is an inferior design that has inferior long term performance capability. The agency believes that with a supplemental support properly attached and mounted to the vehicle, the brake hose will perform in a manner that is equivalent to brake hoses that are manufactured with end fittings that do not require a supplemental support to comply with the present whip test requirements. Therefore, the agency concludes that there will be no decrease in safety.

Leadtime

As the NPRM explained, the statute requires that each order shall take effect no sooner than 180 days from the date on which the order is issued unless good cause is shown that an earlier effective date is in the public interest. (49 U.S.C. 30111(d)) NHTSA has concluded that there is good cause not to provide the 180 day lead time, given that this amendment imposes no mandatory requirements on any manufacturer. The amendment merely specifies an alternative method of testing certain brake hoses. Based on the above, the agency has concluded that there is good cause for an effective date 60 days after publication of the final rule. The agency is providing a 60 day leadtime rather than the 30 day leadtime proposed in the NPRM, given recent legislation that requires a 60 day leadtime before final rules can take effect. (5 U.S.C. 801(a)(1))

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rulemaking was not reviewed under E.O. 12866. NHTSA has analyzed this rulemaking notice and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. The impacts of this rule are so minimal as not to warrant preparation of a full regulatory evaluation. The rule does not mandate the installation of the new type of brake hose assembly. Instead, the rule permits the use of brake hoses that are designed to be installed using a supplemental support, such as the manufactured by the petitioner, i.e., brake hoses armored with braided stainless steel. This rulemaking has no cost impacts other than negligible package labeling costs.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the amendment does not have a significant economic impact on a substantial number of small entities. Vehicle and brake hose manufacturers typically do not qualify as small entities. Further, as noted above, the amendment has minimal, if any impacts on costs or benefits. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws are affected.

4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this rulemaking in accordance with the National Environmental Policy Act of 1969 and determined that the rulemaking does not significantly affect the human environment.

5. Civil Justice Reform

This rulemaking does not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

6. Paperwork Reduction Act

This rule includes new ''collections of information'' as that term is defined by the Office of Management and Budget (OMB). For Standard No. 106, OMB has previously approved a collection of information (OMB Control Number 2127–0052 ''Brake Hose Manufacturing Identification—Standard No. 106'') for use through August 31, 1998. When NHTSA prepares a future request for an extension of this collection of information approval for an additional three years, the agency will include in the request, an estimate of the new collection of information burden that

results from today's rule. NHTSA would issue a Federal Register document asking for public comment on the request for extension of OMB Control Number 2127–0052.

Pursuant to the Paperwork Reduction Act of 1995 and OMB's regulations at 5 CFR 1320.5(b)(2), NHTSA informs the potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. The currently valid OMB control number is displayed above and in NHTSA's regulations at 49 CFR part 509 *OMB Control Numbers for Information Collection Requirements.*

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency has decided to amend Standard No. 106, *Brake Hoses,* in Title 49 of the Code of Federal Regulations at part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.106 is amended by revising S5.1, adding S5.2.3, revising S6.3.2(a) and adding S6.3.2(d) to read as follows:

§ 571.106 Standard No. 106; Brake Hoses.

* * * * *

S5.1 *Construction.* (a) Each hydraulic brake hose assembly shall have permanently attached brake hose end fittings which are attached by deformation of the fitting about the hose by crimping or swaging.

(b) Each hydraulic brake hose assembly that is equipped with a permanent supplemental support integrally attached to the assembly and is manufactured as a replacement for use on a vehicle not equipped, as an integral part of the vehicle's original design, with a means of attaching the support to the vehicle shall be equipped with a bracket that is integrally attached to the supplemental support and that adapts the vehicle to properly accept this type of brake hose assembly.

* * * * *

S5.2.3 *Package labeling for brake hose assemblies designed to be used with a supplemental support* (a) Each hydraulic brake hose assembly that is equipped with a permanent supplemental support integrally attached to the assembly and is manufactured as a replacement assembly for a vehicle equipped, as an integral part of the vehicle's original design, with a means of attaching the support to the vehicle shall be sold in a package that is marked or labeled as follows: ''FOR USE ON [*insert Manufacturer, Model Name*] ONLY'';

(b) Each hydraulic brake hose assembly that is equipped with a permanent supplemental support integrally attached to the assembly and is manufactured as a replacement for use on a vehicle not equipped, as an integral part of the vehicle's original design, with a means of attaching the support to the vehicle shall comply with paragraphs (a) (1) and (2) of this section:

(1) Be sold in a package that is marked or labeled as follows: ''FOR USE ONLY WITH A SUPPLEMENTAL SUPPORT.''

(2) Be accompanied by clear, detailed instructions explaining the proper installation of the brake hose and the supplemental support bracket to the vehicle and the consequences of not attaching the supplemental support bracket to the vehicle. The instructions shall be printed on or included in the package specified in paragraph (a)(1) of this section.

* * * * *

S6.3.2 *Preparation.* (a) Except for the supplemental support specified in S6.3.2(d), remove all external appendages including, but not limited to, hose armor, chafing collars, mounting brackets, date band and spring guards.

* * * * *

(d) In the case of a brake hose assembly equipped with a permanent supplemental support integrally attached to the assembly, the assembly may be mounted using the supplemental support and associated means of simulating its attachment to the vehicle. Mount the supplemental support in the same vertical and horizontal planes as the stationary header end of the whip test fixture described in S6.3.1(b). Mount or attach the supplemental support so that it is positioned in accordance with the recommendation of the assembly manufacturer for attaching the supplemental support on a vehicle.

* * * * *

Issued on: August 5, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96–20349 Filed 8–8–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 960723205–6205–01; I.D. 040694C]

Endangered and Threatened Species; Endangered Status for Umpqua River Cutthroat Trout in Oregon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is issuing a final determination that the Umpqua River cutthroat trout (*Oncorhynchus clarki clarki*) is a ''species'' under the Endangered Species Act of 1973, as amended (ESA) and will be listed as endangered. Extremely low, and declining, numbers of adult cutthroat trout counted at Winchester Dam on the North Umpqua River signal a high risk of extinction for the species. Habitat degradation, recreational fishing, and inadequate regulatory mechanisms are factors that have contributed to the species' decline. Habitat degradation and inadequate regulatory mechanisms continue to represent a potential threat to the Umpqua River cutthroat trout's existence.

NMFS will reconsider this determination in 2 years (or as new scientific information becomes available) and will continue to assess the degree to which ongoing Federal, state, and local conservation initiatives reduce the risks faced by Umpqua River cutthroat trout.

EFFECTIVE DATE: September 9, 1996.

ADDRESSES: Garth Griffin, NMFS, Environmental and Technical Services Division, 525 NE Oregon St.—Suite 500, Portland, OR 97232–2737, telephone (503/231–2005); or Marta Nammack, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, telephone (301/713–1401).

FOR FURTHER INFORMATION CONTACT: Garth Griffin, telephone (503/231–2005), or Marta Nammack, telephone (301/713–1401).

SUPPLEMENTARY INFORMATION:

Background

The Umpqua River cutthroat trout is a ''distinct population segment'' under the ESA (hereinafter referred to as an Evolutionarily Significant Unit or ESU (56 FR 58612; November 20, 1991)) of the coastal cutthroat trout