name, station location, channel group, and application file number;

(B) include a certificate of service demonstrating service on the subject MDS applicant by certified mail, return receipt requested, on or before the 30th day after the MDS public notice described in paragraph (i)(5) of this section;

(C) include a demonstration that it made efforts to reach agreement with the MDS applicant but was unable to do so;

(D) include an engineering analysis that operation of the proposed MDS station will cause harmful interference to its ITFS station;

(E) include a demonstration, in those cases in which the MDS applicant's analysis is dependent upon modification(s) to the ITFS facility, that the harmful interference cannot be avoided by the proposed substitution of new or modified equipment to be supplied and installed by the MDS applicant, at no expense to the ITFS licensee or construction permittee; and

(F) be limited to raising objections concerning the potential for harmful interference to its ITFS station or concerning a failure by the MDS applicant to serve the ITFS licensee or construction permittee with a copy of the complete application or amendment described in paragraph (i)(1) of this section.

(iv) The Commission will presume an ITFS licensee or construction permittee described in paragraph (i)(1) of this section has no objection to operation of the MDS station, if the ITFS licensee or construction permittee fails to file a petition to deny by the deadline prescribed in paragraph (i)(6)(1) of this section.

* * * * *

[FR Doc. 95–17373 Filed 7–17–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

48 CFR Chapter 3

Acquisition Regulation

CFR Correction

In title 48 of the Code of Federal Regulations, chapters 3 to 6, revised as of October 1, 1994, in attachment I to chapter 3 beginning on page 142 a portion of the attachment was inadvertently omitted. Following the text for the State of California which ends at the bottom of page 142, the following text should be inserted.

ATTACHMENT I TO CHAPTER 3—SINGLE LETTER OF CREDIT RECIPIENTS AND CENTRAL POINT ADDRESSES

State	Organization and payee No.	Recipient CRS–EIN [1]	Letter of credit
	* * *	* *	
Connecticut ...	Yale University, 1–060646973–A1	1–060646973–A1, 1–060646973–A2, 1–060646973–A4	75089755
	Treasurer, Yale University, Grants and Contracts, 155 Whitney Avenue, New Haven, Conn. 05611.	1–060646973–A5, 1–060646973–A6, 1–060646973–A7, 1–060646973–A8.	.....
District of Columbia.	Georgetown University, 1–530196603–A1	1–530196603–A1, 1–530196603–A2, 1–530196603–A3	75083450
	Treasurer, Georgetown University, 37th and O Streets NW., Washington, D.C. 20007.	1–530196603–A4, 1–530196603–A5, 1–530196603–A6, 1–530196603–A7.	.....
	George Washington University, 1–530196584–A1	1–530196584–A1, 1–530196584–A3	75083441
	Treasurer, George Washington University, Rice Hall, Washington, D.C. 20006.	.....	.....
	Gorgas Memorial Institute, 1–530196518–A1	1–530196518–A1	75083522
	Treasurer, Gorgas Memorial Institute, 2007 I Street NW., Washington, D.C. 20007.	.....	.....
	National Academy of Sciences, 1–530196932–A1	1–530196932–A1, 1–530196932–A2	75085992
	Treasurer, National Academy of Sciences, 2101 Constitution, Avenue NW., Washington, D.C. 20037.	.....	.....
Florida	University of Florida, 1–596001874–C7, Fiscal Contract Officer, University of Florida, Room 106, R. Johnson Hall, Gainesville, Florida 32611.	1–596001874–C7, 1–596001874–F2	75083326
	University of Miami, 1–590624458–A1	1–590624458–A1, 1–590624458–A2, 1–590624458–A3	75085253
	Chief Accountant, University of Miami, P.O. Box 9057, Coral Gables, Florida 33124.	1–590624458–A6	.....
Georgia	State of Georgia, 1–581130678–Al	1–580973190–A2, 1–581130678–A1, 1–581130678–A5,	75083462
	Director, Department of Adm. Services, Fiscal Division, Pryor-Mitchell Building, Atlanta, Georgia 30334.	1–581130678–A6, 1–586000246–A2, 1–586002042–A1, 1–586002042–A2, 1–586002042–A3, 1–586002042–A4, 1–586002042–A6, 1–900000257–A1, 1–900000648–A1.	
Guam	Territory of Guam, 1–980018947–E6	1–000040215–A1, 1–000040218–A1, 1–000040228–A1	7508B368
	* * *	* *	

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 94–56; Notice 2]

RIN 2127–AF01

Federal Motor Vehicle Safety Standards; Air Over Hydraulic Brake Systems

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

ACTION: Final rule.

SUMMARY: In response to a petition submitted by Mr. John Kourik, this final rule amends Standard No. 121, *Air Brake Systems,* to include a definition of air-over-hydraulic brake subsystems. The agency believes that this definition will clarify the classification of vehicles equipped with these subsystems and thus eliminate the need for manufacturers to request, and the agency to provide interpretations about those vehicles.

DATES: *Effective date.* The amendments in this final rule become effective August 17, 1995.

Petitions for reconsideration. Any petitions for reconsideration of this final rule must be received by NHTSA no later than August 17, 1995.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket 94–56; Notice 2 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–366–5274).

SUPPLEMENTARY INFORMATION:

I. Background

Air-over-hydraulic brake systems typically consist of an air brake system from the treadle valve to an air brake chamber that provides the mechanical force to actuate a hydraulic-operated master cylinder. In turn, the hydraulic pressure from the master cylinder actuates the brake shoes or pads. The air brake chamber unit combined with the hydraulic-operated master cylinder is called the ''power cluster'' and generally serves as the separating point between the air- and hydraulic-actuated portions of the air-over-hydraulic brake system.

Air-over-hydraulic brake systems are installed on slightly more than one percent of medium and heavy trucks sold in the United States. This percentage represents about 5,000 vehicles, most of which are Class 6 vehicles with gross vehicle weight ratings (GVWRs) between 19,501 and 26,000 pounds.

Federal motor vehicle safety standard No. 121, *Air brake systems,* currently defines ''air brake system'' to mean

> A system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

(49 CFR § 571.121) Part 570, *Vehicle In Use Inspection Standards,* defines ''Air-over-hydraulic brake system'' to mean

> *A subsystem of the air brake* that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

(49 CFR Part 570, emphasis added) The *underlined* portion of the definition of air-over-hydraulic subsystem explicitly states that an air-over-hydraulic brake subsystem means a subsystem of the air brake system.

In initially issuing Standard No. 121, NHTSA stated that

> It should be noted that the term ''air brake system'' as defined in the standard applies to the brake configuration commonly referred to as ''air-over-hydraulic,'' in which failure of either medium can result in complete loss of braking ability.

(36 FR 3817, February 27, 1971). The agency reiterated that an air-over-hydraulic brake system is subject to Standard No. 121, stating that ''Standard No. 105a [Hydraulic Brake Systems] does not apply to vehicles equipped with 'air-over-hydraulic' systems, which remain within the purview of Standard No. 121 * * *.'' (37 FR 17970, September 2, 1972.) Moreover, NHTSA has issued several interpretations stating that a vehicle equipped with an air-over-hydraulic brake system must comply with the requirements in Standard No. 121.

NHTSA received a petition from Mr. John Kourik, requesting that the agency amend Standard No. 121 to specify that an air-over-hydraulic brake subsystem is subject to that Standard. The petitioner stated that such an amendment would avoid the need for manufacturers to request interpretations about air-over-hydraulic brake systems.

II. Notice of Proposed Rulemaking and Public Comments

In response to Mr. Kourik's petition, NHTSA proposed amending Standard No. 121 by expanding the current definition of air brake system to incorporate the definition of air-over-hydraulic brake subsystem. (59 FR 35298, July 11, 1994) The agency stated that even though the definition of an air brake system currently includes a description of an air-over-hydraulic subsystem, it is not explicitly clear on the face of the standard that such a subsystem is classified as an air-braked system and that a vehicle equipped with such a subsystem would thus have to comply with the requirements in Standard No. 121. NHTSA further stated that it would be appropriate to clarify the classification of air-over-hydraulic brake systems. The agency reasoned that amending the definition of an air brake system to state explicitly that an air-over-hydraulic brake subsystem is classified as an air brake system would eliminate the need felt by some manufacturers to request interpretations regarding the standard's applicability to vehicles equipped with air-over-hydraulic brake subsystems.

NHTSA received comments from Advocates for Highway and Auto Safety (Advocates), the Heavy Duty Brake Manufacturers Council (HDBMC), WhiteGMC Volvo (WhiteGMC), Freightliner, AlliedSignal, and Mr. Robert Crail, a brake engineer. The commenters generally agreed with the proposed amendment. Some commenters raised additional questions to which the agency responds below.

III. Agency Determination

After reviewing the comments, NHTSA has decided to amend the current definition of air brake system in Standard No. 121 to incorporate the definition of air-over-hydraulic brake subsystem. The agency believes that this amendment will clarify the agency's requirements, as they apply to air-over-hydraulic brake systems. The agency is making a minor modification to the definition consistent with WhiteGMC's comment that the word ''system'' should follow ''air brake'' in the definition of air-over-hydraulic brake subsystem. NHTSA believes that adding the word ''system'' is appropriate since Standard No. 121 defines ''air brake system'' and not ''air brake.''

HDBMC expressed concern about how the recent amendment requiring antilock brake systems (ABS) would affect air-over-hydraulic subsystems. Specifically, HDBMC stated that if the agency required individual wheel

control,[1] two air to hydraulic converters would be needed on the axle providing individual wheel control. The commenter continued that this would result in ''brake pull'' which would reduce vehicle stability and cause uneven brake lining wear.

NHTSA notes that the ABS final rule does not require single unit vehicles to have independent wheel control. Instead, it requires only certain axles on truck tractors to have independent wheel control. Since air-over-hydraulic brake systems are only installed on single unit vehicles, the problem referenced by HDBMC will not affect air-over-hydraulic vehicles equipped with ABS. Therefore, no changes are necessary to satisfy HDBMC's concerns.

AlliedSignal stated that it does not consider an air-over-hydraulic brake system to be a subsystem of an air brake system. It recommended that the agency reconsider the proposed definition of air-over-hydraulic to be ''more 'in tune' with the industry accepted terminology.'' Specifically, it requested including wording to define the lack of mechanical push-through and/or the definition contained in ISO 611. The ISO definition states that an ''air-over-hydraulic system'' means

> A braking system in which the energy necessary to produce the braking force arises exclusively from compressed air. This energy is transformed to hydraulic energy by one or more air-hydraulic converter(s). The hydraulic fluid actuates the brakes.

NHTSA has determined that the suggested ISO definition would add nothing useful to the definition already proposed by the agency. AlliedSignal's concern over the phrase ''no mechanical push-through'' is addressed in the definition of ''Air Brake System,'' which clarifies that ''air-over-hydraulic'' is not the type of system which has mechanical push-through. In an ''air-assisted'' brake system, if the air or vacuum boost fails, there is still a means available to transmit force to the brakes through the brake pedal. With regard to AlliedSignal's comment on the word ''subsystem,'' Webster's Dictionary states that it is a ''secondary or subordinate system,'' which is consistent with the definition being adopted. Based on the above considerations, no change in the definition is necessary.

AlliedSignal also recommended amending the standard to require that the hydraulic master cylinders of an air-over-hydraulic brake system comply with S5.3 (Brake System Indicator Lamp) and S5.4 (Reservoirs) of Standard No. 105.

NHTSA has decided not to amend S5.3 and S5.4 of Standard 105 at this time, since it has not proposed these modifications. The agency may consider these modifications in future rulemakings.

[1] The ABS final rule did not define ''individual wheel control.'' (60 FR 13216, March 10, 1995) However, that rule defined ''Independently Controlled Wheel'' to mean a directly controlled wheel for which the modulator does not adjust the brake actuating forces at any other wheel on the same axle.

IV. Rulemaking Analyses and Notices

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

This rulemaking was not reviewed under E.O. 12866. NHTSA has analyzed this rulemaking and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule will have no mandatory effects. Instead, the rule will only codify a longstanding agency interpretation of existing requirements. Therefore, this rulemaking will not have any cost impacts.

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 will not have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically do not qualify as small entities. 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 will not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

4. National Environmental Policy Act

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

5. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, 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, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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.

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 amends Standard No. 121, *Air Brake Systems*, part 571 of Title 49 of the Code of Federal Regulations 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. In § 571.121, S4 is amended by revising the definition of ''Air brake system'' and by adding the definition of ''Air-over-hydraulic brake subsystem'' in alphabetical order to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

S4. *Definitions.*

* * * * *

Air brake system means a system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, including an air-over-hydraulic brake subsystem, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

Air-over-hydraulic brake subsystem means a subsystem of the air brake system that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

* * * * *

Issued on: July 10, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–17453 Filed 7–17–95; 8:45 am]

BILLING CODE 4910–59–P