

**Regulatory Impact Analyses**

NHTSA has analyzed this proposal and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply. Under Executive Order 12866, the proposal would not establish a "rule," which is defined in the Executive Order as "an agency statement of general applicability and future effect." The proposed exemption is not generally applicable, since it would apply only to Rolls-Royce, Inc., as discussed in this notice. Under DOT regulatory policies and procedures, the proposed exemption would not be a "significant regulation." If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this proposed action is neither major nor significant. The principal impact of this proposal is that the exempted company would not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this proposal sets an alternative standard at the level determined to be Rolls-Royce's maximum feasible level for MY 1997, no fuel would be saved by establishing a higher alternative standard. NHTSA finds that because of the minuscule size of the Rolls-Royce fleet, that incremental usage of gasoline by Rolls-Royce's and customers would not affect the nation's need to conserve gasoline. There would not be any impacts for the public at large.

The agency has also considered the environmental implications of this proposed exemption in accordance with the National Environmental Policy Act and determined that this proposed exemption if adopted, would not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the proposed exemption and alternative standard. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, granting this proposed exemption would not affect the amount of fuel used.

Interested persons are invited to submit comments on the proposed decision. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21).

Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential business information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed under the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**List of Subjects in 49 CFR Part 531**

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 would be amended as follows:

**PART 531—[AMENDED]**

1. The authority citation for part 531 would be revised to read as follows:

**Authority:** 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

**§ 531.5 [Amended]**

2. In section 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and

paragraph (b)(2) would be revised to read as follows:

**§ 531.5 Fuel economy standards.**

\* \* \* \* \*

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

\* \* \* \* \*

(2) Rolls-Royce Motors, Inc.

Model year	Average fuel economy standard (miles per gallon)
1978	10.7
1979	10.8
1980	11.1
1981	10.7
1982	10.6
1983	9.9
1984	10.0
1985	10.0
1986	11.0
1987	11.2
1988	11.2
1989	11.2
1990	12.7
1991	12.7
1992	13.8
1993	13.8
1994	13.8
1995	14.6
1996	14.6
1997	15.1

\* \* \* \* \*

Issued on: July 18, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-18044 Filed 7-21-95; 8:45 am]

BILLING CODE 4910-59-P

**49 CFR Part 571**

[Docket No. 95-57; Notice 01]

RIN 2127-AF72

**Air Brake Systems**

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

**ACTION:** Request for comments.

**SUMMARY:** This notice requests comments about devices that remove water and other contaminants from air brake systems. These devices include automatic drain valves and air dryers. If it appears from the agency's analysis of the comments that such devices are a cost-effective method of improving heavy vehicle safety, the agency would issue a notice proposing to amend Standard No. 121, *Air brake systems*, to require such equipment.

**DATES:** Comments must be received by September 7, 1995.

**ADDRESSES:** Comments should refer to the docket and notice numbers set forth above and be submitted to the Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, (202) 366-5274.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, establishes braking performance requirements for vehicles equipped with air brake systems. The standard also requires these vehicles to be equipped with certain braking equipment, including a "condensate drain valve that can be manually operated." (see S5.1.2.4 for trucks and buses and S5.2.1.3 for trailers). The condensate drain valve allows contaminants, such as water, oil, and dirt to be drained from the brake system's reservoirs. The requirement for air reservoirs to be equipped with a drain valve that can be manually operated became effective in 1971 and has remained unchanged. (36 FR 3817; February 27, 1971)

On July 28, 1994, Domenic F. Coletta, M.D., the Deputy Medical Examiner of Salem County, New Jersey, submitted a petition for rulemaking requesting that Standard No. 121 be amended to require condensate drain valves that automatically purge the contaminants from the air supply reservoir. He stated that currently available automatic drain valves would better ensure safety since reservoirs equipped with manual drain valves are not usually drained on a regular basis. As a result, he contends that contaminants are present in reservoirs, a situation which leads to the unsafe operation of trucks and buses. The petitioner referenced conversations with truck drivers and New Jersey State police to support his contention that manual drain valves are typically not being used to remove contaminants from the reservoirs. However, he supplied no data about the extent to which requiring automatic drain valves would enhance motor vehicle safety.

On February 21, 1995, NHTSA granted Dr. Coletta's petition to consider amending Standard No. 121 to require automatic drain valves. The agency has determined that it is desirable to issue today's notice requesting comments about automatic drain valves and the effects of contaminants in air brake systems before proceeding further with a rulemaking to amend the standard.

Manufacturers of heavy vehicles and heavy vehicle users believe that it is important to ensure that an air brake system is clean and dry. If water is present, valves in the air brake systems may freeze, which may cause the brakes to fail. More generally, contaminants may enter relay valves, causing their intake and exhaust seals not to seal properly. This will result in air leakage and in turn degrade brake performance. This is particularly likely to be a problem for valves used with antilock systems since they have smaller orifice sizes and therefore are more sensitive to contaminants. Notwithstanding these potential safety problems, the predominant effect of contaminants in an air brake system appears to be shortened component life rather than a significant causal factor in heavy vehicle accidents. The Truck Maintenance Council of the American Trucking Associations has been working with the vehicle manufacturers to achieve longer component life for the fleet owners.

To keep air brake systems, particularly the air reservoirs, dry and free from contaminants, manufacturers have installed certain equipment in the air brake systems. These include drain valves and air dryer systems. Maintenance personnel and truck drivers are encouraged to keep air brake systems dry and clean, by opening the reservoir drain valve and inspecting the brake hoses.

There are two types of drain valves: Manual and automatic. Both types of valves serve to purge the reservoir of water and other contaminants. With a manual drain valve, it is necessary for the truck driver or maintenance person to open the valve and drain the reservoir. While ideally this should be done each morning before the vehicle is started, some drivers do not do so. With an automatic drain valve, the reservoir is drained without the need for human intervention.

Air dryers also serve to reduce the amount of water and other contaminants in an air brake system by cleaning and drying the air. There are two types of air dryers, desiccant style systems and "after-cooler" systems. In a typical desiccant style system, the incoming air is routed into the air dryer at the bottom end of the unit, which contains an area called a sump. The rapid swirling of the incoming air into the sump causes a large portion of the oil and water mist to fall to the bottom of the sump. This partially cleaned air then goes through an oil separator which is placed directly above the sump area. Next the air, which is still moist with both oil and water vapor, is passed through a "drying

bed" of desiccant material that removes the remaining moisture. These dryers are equipped with an automatic drain valve that periodically purges water and contaminants from the air system and are mounted directly after the compressor. In contrast, in a typical "after-cooler" system, which uses an air cleaner only, not all the moisture is removed, since the air is not passed through a drying bed of desiccant material. Each type of dryer may be equipped with built-in heaters to prevent the purge valves from freezing in cold weather. The heaters are standard equipment on some models and optional on others.

In its October 1993 fleet study on antilock brake systems, NHTSA concluded that while fleets equipped with after-cooler style air dryers experienced leaky valves, other fleets equipped with desiccant style air dryers "have not experienced leaking relay valves."<sup>1</sup> Over 80 percent of new air braked heavy trucks are being built with air dryers, according to AlliedSignal. That brake manufacturer estimates that more than 90 percent of the dryers are the desiccant type. Moreover, that company predicted that in five years almost all air braked vehicles will be equipped with an air cleaning and drying system.

To assist NHTSA in determining whether to initiate a rulemaking to require equipping air braked vehicles with automatic drain valves or desiccant type air dryers, the agency seeks responses to the following questions:

1. Do contaminants in air brake systems cause a significant safety problem? Are any data available to support the existence of such a problem? How many vehicle crashes per year can be attributed to being caused by air contaminants of the type that would be eliminated by the mandatory installation of automatic drain valves? How many deaths and injuries, and how much property damage, result from these crashes?

2. What is the experience of manufacturers, vehicle operators, and maintenance personnel with automatic drain valves and desiccant type air dryers? How effective is each device in removing water and other contaminants from an air brake system? Are both automatic drain valves and desiccant type air dryers being installed on the same air braked vehicle?

3. Is it necessary or appropriate to require air braked vehicles to be

<sup>1</sup> An "In-Service Evaluation of the Performance, Reliability, Maintainability, and Durability of Antilock Braking Systems (ABSs) for Semitrailers" (DOT HS 808 059, Final Report, October 1993)

equipped with both desiccant style air dryers and automatic drain valves as well?

4. Based on its preliminary analysis, NHTSA estimates that the cost to the customer at retail for automatic drain valves ranges from \$75 to \$400 per reservoir depending upon the type of system. AlliedSignal manufactures an automatic drain valve costing approximately \$75 per unit, installed at retail, while the \$400 unit would include a desiccant type system with a heater. Stop Enterprises, the company referenced by the petitioner, manufactures an automatic drain valve costing approximately \$100 per unit. This compares to approximately \$15 for a manual drain valve installed at retail. The agency requests comments about whether these estimated costs for automatic and manual drain valves are accurate.

5. The cost to the vehicle manufacturer of desiccant style air dryers is estimated to be \$160 per unit (exclusive of installation). The agency requests comments about the costs associated with this device.

#### Rulemaking Analyses

This notice was not reviewed under E.O. 12866. NHTSA has analyzed this notice and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. While a full regulatory evaluation is not required because the notice merely requests comments on a potential rule, the agency estimates that such a requirement would have the following effect.

Approximately 397,500 vehicles are manufactured each year that are subject to Standard No. 121. Of these, approximately, 189,000 are trailers. According to estimates by the agency and the Truck Trailer Manufacturers Association (TTMA), manual drain valves are installed on approximately 99 percent of the units. The other one percent have automatic drain valves. Of the annual production of air braked vehicles, approximately 60,900 vehicles are comprised of single unit trucks (including school bus chassis), and transit and intercity buses. The agency estimates that 75 percent are equipped with automatic drain valves. The remaining 25 percent have manual drain valves. The balance of the production in air braked vehicles are truck tractors averaging approximately 147,600 vehicles annually. These vehicles have the highest installation rates of automatic drain valves and are presently estimated to be installed on approximately 85 percent of the

vehicles built new. Industry sources estimate the remaining 15 percent of the truck tractors not built with automatic purge valves will be so equipped in the next five years. It is expected that the installation rate will be in conjunction with the phasing in of antilock brake systems on heavy vehicles.

NHTSA estimates that the installed cost at retail of adding automatic drain valves to trailers would range from \$75 to \$150 depending upon the number of air reservoirs. Considering that approximately 99 percent of the trailers built new would require the addition of these units, the estimated cost would range from \$15.5 million on single reservoir trailers with no heater to \$31 million for single reservoir trailers with heated valves. On double reservoir trailers, the costs would be double, if automatic drain valves are installed on both air tanks. On straight trucks, bus chassis, and other buses, the additional 25 percent (approximately 15,225 units) which would require automatic drain valves would represent an additional cost ranging from \$1.2 to \$6.1 million depending upon the choice of system (i.e., ranging from a very basic automatic system with no heater or dryer to a full desiccant style system with heater). Approximately 85 percent of truck tractors are equipped with automatic drain valves including air dryers and thus would require an expenditure ranging from \$1.7 million to \$8.8 million, depending on the type of system selected.

Based on the above analysis, NHTSA estimates that the total incremental cost at retail level, resulting from requiring automatic drain valves ranges from \$18.4 to \$76.9 million, depending upon the system being selected.

#### Public Comments

Interested persons are invited to submit comments on the notice. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

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Issued on: July 18, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-18107 Filed 7-21-95; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AD22

#### Endangered and Threatened Wildlife and Plants; Proposed Change from Subspecies to Vertebrate Population Segment for Virgin River Chub in Virgin River and Notice of Status Review for Virgin River Chub in Muddy River

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule and notice of status review.

**SUMMARY:** Recent taxonomic work concluded that specific rank is warranted for the Virgin River chub (*Gila robusta seminuda* = *G. seminuda*), a federally endangered species found in the Virgin River system of Arizona, Nevada, and Utah. Moreover, these researchers concluded that the chub in the Muddy (= Moapa) River of Nevada, is conspecific with the Virgin River chub. Previously this distinctive