

vehicle's fuel tank and then operate the engine until it stops. Then, add Stoddard solvent to the test vehicle's fuel tank in an amount which is equal to not less than 92 percent and not more than 94 percent of the fuel tank's usable capacity stated by the vehicle's manufacturer. In addition, add the amount of Stoddard solvent needed to fill the entire fuel system from the fuel tank through the engine's induction system.

* * * * *

S6.11 Impact reference line. Place a vertical reference line at the location described below on the side of the vehicle that will be struck by the moving deformable barrier:

S6.11.1 Passenger cars.

(a) For vehicles with a wheelbase of 114 inches or less, 37 inches forward of the center of the vehicle's wheelbase.

(b) For vehicles with a wheelbase greater than 114 inches, 20 inches rearward of the centerline of the vehicle's front axle.

S6.11.2 Multipurpose passenger vehicles, trucks and buses.

(a) For vehicles with a wheelbase of 98 inches or less, 12 inches rearward of the centerline of the vehicle's front axle, except as otherwise specified in paragraph (d) of this section.

(b) For vehicles with a wheelbase of greater than 98 inches but not greater than 114 inches, 37 inches forward of the center of the vehicle's wheelbase, except as otherwise specified in paragraph (d) of this section.

(c) For vehicles with a wheelbase greater than 114 inches, 20 inches rearward of the centerline of the vehicle's front axle, except as otherwise specified in paragraph (d) of this section.

(d) At the manufacturer's option, for different wheelbase versions of the same model vehicle, the impact reference line may be located by the following:

(1) Select the shortest wheelbase vehicle of the different wheelbase versions of the same model and locate on it the impact reference line at the location described in (a), (b) or (c) of this section, as appropriate;

(2) Measure the distance between the seating reference point (SgRP) and the impact reference line;

(3) Maintain the same distance between the SgRP and the impact reference line for the version being tested as that between the SgRP and the impact reference line for the shortest wheelbase version of the model.

(e) For the compliance test, the impact reference line will be located using the procedure used by the manufacturer as the basis for its certification of

compliance with the requirements of this standard. If the manufacturer did not use any of the procedures in this section, or does not specify a procedure when asked by the agency, the agency may locate the impact reference line using either procedure.

* * * * *

S7. Positioning procedure for the Part 572 Subpart F Test Dummy. Position a correctly configured test dummy, conforming to subpart F of part 572 of this chapter, in the front outboard seating position on the side of the test vehicle to be struck by the moving deformable barrier and, if the vehicle has a second seat, position another conforming test dummy in the second seat outboard position on the same side of the vehicle, as specified in S7.1 through S7.4. Each test dummy is restrained using all available belt systems in all seating positions where such belt restraints are provided. In addition, any folding armrest is retracted.

* * * * *

Issued on: July 20, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-18275 Filed 7-27-95; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 571

[Docket No. 85-07; Notice 10]

RIN 2127-AF23

Federal Motor Vehicle Safety Standards; Air Brake Systems Control Line Pressure Balance

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

ACTION: Final rule.

SUMMARY: In response to a petition for rulemaking submitted by Sealco Air Controls, this document amends the control line pressure differential requirements in Standard No. 121, *Air Brake Systems*, for converter dollies and trailers designed to tow other air braked vehicles. The agency has concluded that the amendments will improve the braking compatibility of such vehicles by allowing the use of a relay valve known as a spool-type low opening valve.

DATES: *Effective date.* The amendments in this document become effective August 28, 1995.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than August 28, 1995.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket No. 85-07; Notice 10 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

Standard No. 121, *Air Brake Systems*, establishes performance and equipment requirements for braking systems on vehicles equipped with air brakes, including requirements for pneumatic timing. NHTSA recently amended the control signal pressure differential requirements of Standard No. 121, with respect to converter dollies and towing trailers. (57 FR 37902; August 21, 1992) The amendment specifically requires that, for trailers and converter dollies manufactured after August 23, 1993, the pressure differential between the control line input coupling and a 50 cubic inch test reservoir connected to the rear control line output coupling shall not exceed 1 psi at all input pressures between 5 psi and 20 psi and 2 psi at all input pressures greater than 20 psi. Input pressures below 20 psi represent routine braking applications, while input pressures between 20 psi and 40 psi represent moderate to heavy braking applications, and input pressures above 40 psi represent severe braking applications.¹

The August 1992 amendment was intended to ensure that the control signal "passes" through a towing trailer or dolly without being altered along the way. Since the control signal passes through unaltered, each vehicle in a combination unit receives the same brake control signal. This serves to increase the braking compatibility of combination vehicles, since each vehicle in a combination has comparable braking performance. By specifying the maximum permissible differential between the input and output control line pressures, this requirement addresses problems of heat buildup and brake fade during long, gradual downhill runs at relatively low

¹ In today's final rule, NHTSA has decided to modify the limit above 40 psi to allow a 5 percent differential (which at higher pressures exceeds the current limit of 2 psi) based on, among other things, the Society of Automotive Engineer's (SAE's) Recommended Practice SAE J1505, *Brake Force Distribution Test Code Commercial Vehicles*.

pressure brake applications, caused by relatively large brake pressure differentials between the trailers and converter dollies in multiple trailer combinations.

II. Sealco Petition

On June 18, 1993, Sealco Air Controls (Sealco), a valve manufacturer, submitted to NHTSA a rulemaking petition to amend Standard No. 121 with respect to the control line pressure differential requirements in S5.3.5. Specifically, Sealco requested that NHTSA amend these requirements to eliminate the need to modify the original design of its low opening valves (LOVs) that resulted from the August 1992 amendment. Sealco stated that these modifications degraded the ability of its LOVs to maintain minimal air pressure differentials between the input and output of these valves. These valves are used as control line relay valves and service line relay valves in trailers and converter dollies. The petitioner stated that unlike other relay valves that use a common poppet,² the low opening valves have a balanced spool technology³ that allows the valve to initially open at a relatively low pressure of 1.5 psi. The pressure at which a valve initially opens is referred to as the crack pressure. According to Sealco, the spool technology enables the output pressure delivered by the valve to closely follow (i.e., track) the input control air pressure. As a result, it claimed that hysteresis⁴ is not so prevalent with low operating valves as with high crack pressures. This amendment will not significantly affect small businesses, small organizations, and small governmental units that purchase vehicles since this amendment will have no significant cost impact on vehicles.

Hysteresis in a valve may cause the output line pressure of the valve not to track properly the input control line

² A poppet valve has a valve seat like a typical water faucet valve. The air flow is increased as the sealing lip is raised higher off the valve seat by varying the air pressure in the control line. The valve allows increased or decreased air flow from the supply line side of the system.

³ A spool type valve has a cylinder which slides back and forth inside of a machined hole called a bore. As the spool slides past a port or opening on the side of the bore, the exposed side port then allows the air to flow past the valve spool.

⁴ The phenomenon exhibited by a system in which the reaction of the system to changes is dependent upon its past reactions to change. With respect to braking, when the control line input pressure is increased, the relay valve's output (apply pressure) is usually a few psi lower than the control line output pressure, and is usually more than one or two psi above the descending control line pressure. Complications may arise when a subsequent brake application is made before the brakes have fully released after a prior application.

pressure, which may cause the application pressure of the brakes in the trailer to be significantly different than the control line pressure signal. In such situations, the valve's hysteresis may not allow the same pressure to be applied to the trailer brakes as is signalled by the driver's application of the brake control. In the case of increasing brake line pressure, this will cause less braking in the trailer than in the tractor, causing the trailer to "push" the tractor. Similarly, when the driver decreases the brake application, the hysteresis in the valve may not allow the brake application in the trailer to decrease to the same degree, resulting in the trailer brakes still being applied to a greater degree than those in the tractor. This causes the kingpin to jerk on the inside of the fifth wheel. Under high speed congested traffic conditions in which the driver may go through several brake applications and releases in rapid succession, the jerking and pushing of the trailer or trailers could be difficult to control. In multiple trailer combinations, this same phenomenon can be a problem between successive trailers as well as between tractors and trailers.

Sealco stated that the use of low operating valves would further NHTSA's goal of ensuring balanced braking in combination vehicles. However, the petitioner claimed that while its valve meets the amendment's application requirements, it does not meet the provision requiring release at high pressure ranges, given the valve's mechanics. To comply with the amendment, Sealco has drilled a hole in the valves' piston, thereby allowing pressure to bleed to the supply side. This action prevents the valves from cracking open when tested according to S5.3.5. Sealco believes that this modification to allow compliance with the amendment has reduced the valves' effectiveness.

III. Notice of Proposed Rulemaking

On July 13, 1994, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 121 to permit the use of low opening valves. (59 FR 35672) Specifically, the agency proposed to amend S5.3.5 to address input pressures over 40 psi. Under the proposal, the pressure differential would not be permitted to exceed 2 psi at any input pressure between 20 psi and 40 psi and would not be permitted to exceed 5 percent at any pressure over 40 psi. In other words, the pressure differential requirements would remain the same as the current requirements, except for

applications resulting in pressures over 40 psi.

In the NPRM, NHTSA explained that the current requirement may unnecessarily extend the 2 psi limit into the higher pressure ranges where it is not necessary for safety. The requirement is intended to prevent brake fade during relatively low brake applications below 20 psi. The 2 psi limit is relatively more stringent for hard brake applications, i.e., those exceeding 40 psi. The agency requested comments about whether the modification to pressure levels over 40 psi might be detrimental to safety or otherwise inappropriate.

IV. Comments on the NPRM

NHTSA received two comments on the July 1994 proposal to amend the control line pressure requirements. Mr. Robert Crail, a brake engineer, stated that "The adoption of the proposed amendment will not have any adverse effect on safety." He agreed with the agency that the greater problem area with pressure differentials is at the lower end of the pressure range and not the upper range, which is being broadened slightly. Advocates for Highway and Auto Safety (Advocates) criticized the proposal for several reasons. Advocates was primarily concerned that there was no real world braking data to support the amendment, which it believed would degrade heavy vehicle braking.

V. Agency Decision

After reviewing the comments and other available information, NHTSA has decided to amend Standard No. 121, with respect to the control line pressure requirements for converter dollies and trailers designed to tow other air braked vehicles. Specifically, the agency has decided to amend S5.3.4 to allow pressure differentials of up to 5 percent at pressures over 40 psi. The current 2 psi allowance is 5 percent of 40 psi, and the agency believes that allowing the same percentage above 40 psi is adequate. Based on its review of the available information, the agency has concluded that the amendment facilitates the use of an alternative technology, without being detrimental to safety. As it explained in the NPRM, NHTSA based the proposed requirement on the Society of Automotive Engineer's (SAE's) Recommended Practice J1505, *Brake Force Distribution Test Code Commercial Vehicles*. In addition, the agency also contacted all the major valve manufacturers about the pressure differential requirements. Based on its review, NHTSA believes that the 2 psi differential in the current requirement is

unnecessarily stringent for towing trailers and dollies in hard brake applications over 40 psi. Therefore, the agency has decided to adopt the petitioner's request to permit pressure differentials of up to 5 percent during hard brake applications.

Advocates criticized several aspects of the proposal to amend the pressure differential requirements. Specifically, that organization expressed concern that the amendment (1) was not supported by real world testing data, (2) would adversely affect safety, (3) was inappropriate for certain braking techniques, and (4) would allow spool valves, which it viewed as inferior. As explained below, NHTSA has concluded that Advocates' concerns are without merit.

Advocates contended that there is no real world safety data to support the proposed amendment. It stated that it is "opposed to safety-related regulatory changes which rely only on *a priori* calculations for gauging probable safety consequences." It therefore requested the agency to specify real world braking demonstrations to establish that spool type valves will not degrade safety.

NHTSA disagrees with Advocates' contention that there are no real world data to support the amendments to the control line pressure differential requirements. In fact, the agency has two reports containing a substantial amount of test data regarding real world braking.⁵ These reports cover a substantial amount of real world braking demonstrations, including actual control line pressures under a full range of conditions used in a wide range of braking applications. Supporting data also indicate that the cut off point of 40 psi exceeds the braking conditions addressed by this rulemaking. All the test data in the antilock report are real world fleet test data and the down-hill test data in the Braking Strategy study are also real world and based on dozens of test runs. These reports illustrate that the cut-off point of 40 psi is reasonable. They further illustrate that a higher pressure is not necessary since approximately 99 percent of heavy braking occurs below that pressure.

Advocates claimed that the proposed amendments to the control line pressure requirements would have a deleterious effect on safety under severe braking conditions. That organization, however,

did not state what it considers to be severe braking conditions.

NHTSA believes that Advocates' concern that the amendment would adversely affect safety is without merit, since, as mentioned above, approximately 99 percent of braking occurs at 40 psi or less. At 75 psi, which represents a panic stop on dry pavement that would most likely lock all the wheels unless the vehicle were fully loaded, the Sealco valves showed only a 1.5 psi tracking variation⁶ in either the ascending or descending brake line pressures.

With regard to the safety of tracking error variation, the agency prefers a tracking error of zero as an ideal. However, that would be unrealistic for a valve manufacturer to achieve. Because of manufacturing variations in the valves along with hysteresis, 2 psi is a reasonable pressure limit at the low end.

Advocates commented that the agency mischaracterized braking practices. It stated that while snubbing (i.e., intermittently exerting force on the brake pedal) brakes at relatively low pressures is the preferred braking technique, drivers often "ride" (i.e., exert a constant force on the brake pedal) the brakes at higher pressures in long downhill descents.

NHTSA believes that Advocates' statement is not accurate, since all the agency's research data show that "riding" the brakes produces pressures that are approximately 50 percent lower than "snubbing" pressures. The agency further notes that Advocates' concern about snubbing or riding the brakes is not relevant since the air pressure requirements are being amended for pressures higher than those used in snubbing or riding the brakes. The air system pressure in either of the two braking methods is less than the 40 psi cut-off point established by this amendment. Worst-case conditions produced by snubbing in mountain grade descents average about 27 psi with peaks to 32 psi. Riding the brakes results in air pressure that seldom exceeds 10 psi, even on mountain descents.⁷

⁶Tracking variation is a measure of how well matched the air pressure is between the (control) line side of the air brake system and the actual (service) air pressure being sent to the brake chambers. For example, if the driver's foot is placed on the brake pedal such that a 20 psi signal is sent to the valve that releases the air from the air reservoir on the trailer and the control valve releases 20 psi to the brakes, there is "zero" tracking error. If the air pressure at the brake chambers is between 19 to 21 psi, the tracking error would be within the 1 psi requirement of the standard.

⁷A report titled "The Influence of Strategy on Brake Temperatures in Mountain Descents"

Advocates expressed concern that low pressure spool type valves could adversely affect safety compared to poppet valves. However, NHTSA notes that each type of valve is used in specific applications to its own best advantage. The agency is aware of no application in which either type should be restricted by performance requirements in Standard No. 121. There are no data available on the performance of air brake spool valves vs poppet type air brake valves, because the former type of valves have not posed a problem.

Effective date. Each order amending a safety standard is required to take effect no sooner than 180 days from the date the order is issued unless "good cause" is shown that an earlier effective date is in the public interest. NHTSA has determined that there is "good cause" not to provide the 180 day lead-in period given that this amendment will not impose any mandatory requirements on manufacturers. The public interest in being able to use an alternative technology will also be served by not delaying the introduction of the requirement. Based on the above, the agency has further determined that there is good cause to have an effective date 30 days after publication in the **Federal Register**.

VI. 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 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 has no mandatory effects and therefore imposes no costs. Further, it does not make possible cost savings. Instead, the rulemaking simply permits the use of spool valve technology.

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

⁵ See, (1) "An In-Service Evaluation of the Performance, Reliability, Maintainability and Durability of Antilock Braking Systems (ABSs) for Semitrailers", DOT HS 806059; October 1993, and (2) "The Influence of Strategy on Brake Temperatures in Mountain Descents" DTFH61-89-C-00106; March 1992.

DTFH61-89-C-00106; March 1992, contains extensive data by both VRTC and The University of Michigan which relate to the air brake pressure required in "snubbing" and "riding" of the brakes.

entities. For these reasons, 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 rule will not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

4. National Environmental Policy Act

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

5. Civil Justice Reform

This rule will 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.

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 is amending Standard No. 121, *Air Brake Systems*, part 571 of Title 49 of the Code of Federal Regulations as follows:

PART 571—[AMENDED]

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, S5.3.5 introductory text and S5.3.5(a) are revised to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *
S5.3.5 Control signal pressure differential—converter dollies and trailers designed to tow another vehicle equipped with air brakes.

(a) For a trailer designed to tow another vehicle equipped with air brakes, the pressure differential between the control line input coupling and a 50-cubic-inch test reservoir attached to the control line output coupling shall not exceed the values specified in S5.3.5(a)(1), (2), and (3) under the conditions specified in S5.3.5(b)(1) through (4):

(1) 1 psi at all input pressures equal to or greater than 5 psi, but not greater than 20 psi; and

(2) 2 psi at all input pressures equal to or greater than 20 psi but not greater than 40 psi; and

(3) not more than a 5-percent differential at any input pressure equal to or greater than 40 psi.

* * * * *
Issued on: July 20, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-18381 Filed 7-27-95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 072195A]

Groundfish of the Gulf of Alaska; Pollock in the Eastern Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of pollock in the Eastern Regulatory Area of the Gulf of Alaska (GOA). NMFS

is requiring that catches of pollock in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the pollock total allowable catch (TAC) in the Eastern Regulatory Area of the GOA has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 24, 1995, until 12 midnight A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas W. Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(c)(1)(ii), the TAC for pollock in the Eastern Regulatory Area of the GOA was established by the final 1995 harvest specifications of groundfish (60 FR 8470, February 14, 1995), as 3,360 metric tons.

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(c)(3), that the TAC for pollock in the Eastern Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of pollock in the Eastern Regulatory Area of the GOA be treated as prohibited species in accordance with § 672.20(e).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 24, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-18567 Filed 7-25-95; 2:15 pm]

BILLING CODE 3510-22-F