

Where:

Prior Threshold=\$6,300 (for calendar years 1991-1996)

Wn=New average hourly wage rate (\$) = 17.55500

Wp=Prior average hourly wage rate (\$) = 17.13417

En=New equipment average PPI value (\$) = 136.76667

Ep=Prior equipment average PPI value (\$) = 131.66667

9. The new threshold is \$6,500 and is effective beginning January 1, 1997.

Issued in Washington, D.C., on November 20, 1996.

Jolene M. Molitoris,
Federal Railroad Administrator.

[FR Doc. 96-30352 Filed 11-27-96; 8:45 am]

BILLING CODE 4910-06-P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-3; Notice 7]

RIN 2127-AF63

Federal Motor Vehicle Safety Standards; Air Brake Systems; Air Compressor Cut-In

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

ACTION: Final rule, petitions for reconsideration.

SUMMARY: In response to a petition for reconsideration submitted by Flxible Corporation, this document amends Standard No. 121, *Air Brake Systems*, with respect to the air pressure at which a bus's air compressor must automatically activate. A bus manufacturer will be allowed to set the air compressor governor cut-in pressure at 85 psi or greater. The agency believes that allowing the air pressure to fall to 85 psi or greater, instead of 100 psi or greater, before the air compressor is required to cut in, provides a more appropriate activation pressure that accounts for the severe duty cycle experienced by some buses. By reducing the frequency of compressor operation, this modification will reduce potential safety problems caused by the air compressor introducing engine oil into the vehicle's air system.

DATES: *Effective date.* The amendment becomes effective January 28, 1997.

Compliance date. Compliance with the amendment will be required on and after March 1, 1997.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than January 13, 1997.

ADDRESSES: Petitions for reconsideration of this rule should refer to the above referenced docket numbers and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Richard Carter, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 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, D.C. 20590 (202-366-2992).

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 121, *Air Brake Systems*, specifies performance and equipment requirements for braking systems on vehicles equipped with air brakes, including a requirement specifying the minimum air pressure at which a vehicle's air compressor governor must automatically activate the compressor, thereby increasing air pressure in the air brake system. (See S5.1.1.1) The governor maintains reservoir air pressure between predetermined minimum and maximum pressures.

II. February 1996 Final Rule

In response to a petition for rulemaking submitted by the Truck Trailer Manufacturers Association (TTMA), NHTSA amended S5.1.1.1 to require the automatic activation of the air compressor on a powered vehicle whenever the pressure in the air brake system falls below 100 pounds per square inch (psi) (61 FR 6173, February 16, 1996). Prior to the February 1996 final rule, the air compressor was required to automatically activate whenever the air pressure in the reservoir fell below 85 psi. Manufacturers of air braked vehicles are required to comply with this amendment on and after March 1, 1997.

Enhanced truck tractor performance is the primary goal of the February 1996 amendment, which ensures that new air braked truck tractors are capable both of providing trailers with sufficient pressure for release of the trailer parking brakes and of providing adequate service braking. By raising the cut-in pressure, an additional quantity of stored compressed air will be available for an air brake system. In addition, requiring an overall higher system air

pressure will allow a better balance between protection valve settings between the tractors and trailers.

Because NHTSA determined that the change in compressor cut-in pressure will benefit single-unit trucks and buses as well as truck tractors, the agency applied the change to all powered vehicles. A higher cut-in pressure provides a margin of safety for vehicles equipped with long-stroke chambers and antilock brake systems which consume more air than conventional brake systems. NHTSA anticipated no safety problems as the result of the February 1996 amendment. The agency further anticipated that the amendment would not result in an undue burden for manufacturers, since most vehicles already complied with the cut-in requirement.

III. Petition for Reconsideration

On March 4, 1996, Flxible Corporation (Flxible), a manufacturer of air-braked transit buses, petitioned NHTSA to amend the air compressor cut-in requirements in Standard No. 121 with respect to buses. It stated that while the amended requirements were appropriate for truck tractors, the automatic cut-in pressure requirements should not have been raised from 85 psi to 100 psi for city transit buses. The petitioner stated that the air brakes on buses do not experience the same conditions as those on tractors. Therefore, it stated that the rule should not be applied to vehicles other than truck tractors, without a full understanding of the potential problems and consequences associated with that decision.

Flxible stated that transit buses have a unique duty cycle that requires more frequent brake applications than other vehicles. It further stated that the air brake systems on transit buses are connected to unique air consuming devices and systems that almost continuously consume air. These devices and systems include air operated door systems, air operated kneeling systems, air consuming brake interlocks, and air throttles on mechanical engines.

Flxible stated that higher governor cut-in pressures result in higher compressor pumping pressures. Frequent air depletion by the various on-vehicle devices causes the compressor to operate on an almost continuous duty cycle. This severe duty cycle, combined with the new higher pumping pressures, causes the air compressor to introduce greater quantities of engine oil into the vehicle's air system, because the air compressors must run a substantially

longer period of time. This condition occurs even on newer mileage vehicles, and worsens with vehicle and component age. According to the petitioner, oil carry-over can affect elastomeric seals, diaphragms and other items in the vehicle air system. Such contamination may cause components to stick or otherwise function in a manner that may adversely affect brake timing. The result is costly system maintenance and repair at more frequent than normally recommended service periods.

Flexible requested that the governor cut-in pressure setting be set at 85 psi. Flexible stated that although it uses governors with higher cut-in and cut-out pressures to meet specific vehicle in-service conditions and requirements, it would like the option to use lower cut-in pressures.

IV. Agency Determination

After reviewing Flexible's petition, NHTSA has decided to amend Standard No. 121 with respect to the air pressure at which a bus's air compressor must automatically activate. A bus manufacturer is allowed to set the air compressor governor cut-in pressure at 85 psi or greater. The agency believes that reducing the required automatic cut-in pressure from 100 psi or greater to 85 psi or greater provides buses with a more appropriate activation pressure that accounts for the severe duty cycle experienced by some buses. This modification will avoid potential safety problems caused by the air compressor introducing engine oil into the vehicle's air system.

NHTSA believes that today's modification in the cut-in pressure will not adversely affect the use of long-stroke brake chambers. After reviewing the issue of air pressure depletion starting at 85 psi, 100 psi, and higher levels, the agency concludes that changing the requirements to 85 psi will not interfere with the safe introduction of long-stroke chambers.¹ Therefore, the rationale for raising the minimum cut-in pressure for single unit vehicles, i.e., to facilitate the introduction of long-stroke chambers, is not undermined.

NHTSA anticipates that the practical affect of today's amendment will be limited, because most air compressor governor settings are preset by the air compressor manufacturers and not by

the vehicle manufacturers. NHTSA estimates that over 95 percent of air compressor governors are set at 100 psi or greater. Flexible stated that it would readjust only those units where it was determined to be necessary.

Accordingly, as a practical matter, in only a few special situations will the air compressor cut-in pressure actually be activated at 85 psi.

V. 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 will have a minimal effect on the costs or performance of the existing air brake systems. Today's amendment merely affords greater flexibility to manufacturers of air-braked buses.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA evaluated the effects of this action on small entities as part of the February 1996 final rule. Based upon that evaluation which remains valid, 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. Vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles will not be significantly affected by the requirements since the cost of new vehicles will not change. 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 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

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 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*, in 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, S5.1.1.1 is revised to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

* * * * *

S5.1.1.1 *Air compressor cut-in pressure.* The air compressor governor cut-in pressure for each bus shall be 85 p.s.i. or greater. The air compressor governor cut-in pressure for each truck shall be 100 p.s.i. or greater.

* * * * *

Issued on: November 19, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 96-30055 Filed 11-27-96; 8:45 am]

BILLING CODE 4910-59-P

¹ Those data have been placed in the public docket.