full regulatory evaluation is not required because the rule will have only minimal economic impacts. The rule will only have a minimal cost impact on manufacturers and users of brake fluids because one referee material will merely replace another referee material. No change is expected in the cost of the new referee material. RM-66-03 fluid was sold at \$8.00 per quart. The agency anticipates that RM-66-04 fluid will be sold at the same price.

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 final rule would not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. The final rule only specifies that manufacturers of brake fluid are to substitute one type of referee material for another type of referee material. Therefore, there should be no cost impacts that would affect the purchase price of brake hoses or brake fluid. Thus, neither manufacturers of motor vehicles, nor small businesses, small organizations, and small governmental units which purchase motor vehicles, would be significantly affected by the amendment.

3. National Environmental Policy Act

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

4. Executive Order 12612 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. It has been determined that the final rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. No state laws would be affected.

5. Civil Justice Reform

This final rule would not have any retroactive effect. Under 49 U.S.C. section 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. section 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, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR Part 571 is amended as follows.

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.

§571.189 [Amended]

2. In Section 571.106. S5.3.9 and paragraph (a) of S6.7.1 are revised to read as follows:

S5.3.9 Brake fluid compatibility, constriction, and burst strength. Except for brake hose assemblies designed for use with mineral or petroleum-based brake fluids, a hydraulic brake hose assembly shall meet the constriction requirement of S5.3.1 after having been subjected to a temperature of 200 °F for 70 hours while filled with SAE RM-66-04 Compatibility Fluid, as described in Appendix B of SAE Standard J1703 JAN 1995, "Motor Vehicle Brake Fluid." It shall then withstand water pressure of 4,000 psi for 2 minutes and thereafter shall not rupture at less than 5,000 psi (S6.2). (SAE RM-66-03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

* S6.7.1 Preparation.

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(a) Attach a hose assembly below a 1pint reservoir filled with 100 ml. of SAE RM–66–04 Compatibility Fluid as shown in Figure 2. (SAE RM-66-03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

§571.189 [Amended]

3. In Section 571.116, S6.5.4 is republished for the convenience of the reader; S6.5.4.1, S6.5.4.2, S6.5.4.3, S6.10.1, S6.10.2, paragraph (a) of

S6.10.3 and S7.2 are revised to read as follows:

S6.5.4 Chemical stability. S6.5.4.1 Materials. SAE RM-66-04 Compatibility Fluid as described in Appendix B of SAE Standard J1703 JAN 1995, "Motor Vehicle Brake Fluid." (SAE RM-66-03 Compatibility Fluid as described in Appendix A of SAE Standard J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

S6.5.4.2 Procedure.

(a) Mix 30 ± 1 ml. of the brake fluid with 30 ± 1 ml. of SAE RM-66-04 Compatibility Fluid in a boiling point flask (S6.1.2(a)). Determine the initial ERBP of the mixture by applying heat to the flask so that the fluid is refluxing in 10 ± 2 minutes at a rate in excess of 1 drop per second, but not more than 5 drops per second. Note the maximum fluid temperature observed during the first minute after the fluid begins refluxing at a rate in excess of 1 drop per second. Over the next 15 ± 1 minutes, adjust and maintain the reflux rate at 1 to 2 drops per second. Maintain this rate for an additional 2 minutes, recording the average value of four temperature readings taken at 30 second intervals as the final ERBP.

(b) Thermometer and barometric corrections are not required.

S6.5.4.3 Calculation.

The difference between the initial ERBP and the final average temperature is the change in temperature of the refluxing mixture. Average the results of the duplicates to the nearest 0.5 °C (1.0 °F).

S6.10.1 Summary of the procedure. Brake fluid is mixed with an equal volume of SAE RM-66-04 Compatibility Fluid, then tested in the same way as for water tolerance (S6.9) except that the bubble flow time is not measured. This test is an indication of the compatibility of the test fluid with other motor vehicle brake fluids at both high and low temperatures.

S6.10.2 Apparatus and materials.

- (a) Centrifuge tube. See S7.5.1(a).
- (b) Centrifuge. See S7.5.1(b).
- (c) Cold Chamber. See S6.7.2(b)
- (d) Oven. See S6.9.2(d)

(e) SAE RM-66-04 Compatibility Fluid. As described in Appendix B of SAE Standard J1703 JAN 1995 "Motor Vehicle Brake Fluid." (SAE RM-66-03 Compatibility Fluid as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)