

pressure for release of the trailer parking brakes and to provide adequate service braking. TTMA said that the current 85 psi air pressure governor cut-in requirement may not supply adequate pressure to a trailer being towed by a tractor. TTMA also stated that higher truck or tractor air pressures increase the speed at which trucks or tractors can resupply trailers with air and these higher pressures will store more air for use by the braking systems. It further stated that "all tractor manufacturers are now building tractors whose nominal compressor cut-in pressure is at least 100 psi."

### III. NHTSA Proposal

After reviewing TTMA's petition, NHTSA has decided to propose increasing the minimum air compressor cut-in pressure requirement from 85 psi to 100 psi. There are several reasons for increasing the cut-in air pressure above the current 85 psi level. First, the agency has tentatively determined that the proposed amendment would enhance safety by better ensuring that new truck tractors are capable of providing trailers with sufficient pressure for release of the trailer parking brakes and provide adequate service braking. Specifically, by raising the cut-in pressure, this amendment would allow the storage of an additional volume of compressed air that would be available for an air brake system. This is important since the 1991 final rule eliminated the requirement for a separate protected reservoir with a stored volume of air used for releasing the trailer parking brakes. Second, the proposal to maintain an overall higher system air pressure would allow a better "match up" of protection valve settings between the tractors and trailers. Third, long stroke brake chambers, which need more compressed air, would have available an additional volume of air at higher pressure. This would provide a greater margin of safety.

NHTSA has tentatively concluded that increasing the air pressure to a 100 psi minimum would not result in any safety problems. The agency invites comments about the effect of this proposed amendment on safety.

NHTSA's analysis of current manufacturing practices confirms TTMA's statement that tractor manufacturers are now building tractors with a cut-in pressure of at least 100 psi. The docket includes a memorandum summarizing the agency's discussions with vehicle manufacturers and the American Trucking Associations in which they indicate that new truck tractors are typically equipped with governors that activate the air

compressor when air pressure drops to 100 psi. In addition, NHTSA has discussed the issue of air pressure cut-in with Midland-Grau and AlliedSignal, which together produce over 95 percent of the air compressors and governors in the United States. Midland-Grau sets their air compressors and governors at 105 psi, while AlliedSignal sets their air compressors and governors at 100 psi. NHTSA knows of no company that manufactures these devices with a cut-on pressure between 85 and 100 psi nor of any purchaser that requests a cut-on pressure in this lower range. Accordingly, NHTSA believes the proposed amendment would codify existing industry practice, since equipment on new vehicles are being built with the proposed settings.

The statute requires that each order shall 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 tentatively concluded that there would be good cause not to provide the 180 day lead-in period given that this amendment will have no adverse effect on manufacturers since all manufacturers currently comply with the proposed requirements. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more lead time is necessary.

### Rulemaking Analyses and Notices

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

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal 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, if adopted, would have a minimal effect on costs or benefits of the existing requirements. In large part, today's proposed amendment merely codifies an existing industry practice.

#### 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 proposed amendment would not have a significant economic impact on a substantial number of small entities. Vehicle and brake manufacturers typically would not qualify as small entities. Vehicle

manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles would not be significantly affected by the proposed requirements. 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 proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

#### 4. National Environmental Policy Act

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

#### 5. Civil Justice Reform

This proposed rule would 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.

### Public Comments

Interested persons are invited to submit comments on the proposal. 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