

control,¹ two air to hydraulic converters would be needed on the axle providing individual wheel control. The commenter continued that this would result in "brake pull" which would reduce vehicle stability and cause uneven brake lining wear.

NHTSA notes that the ABS final rule does not require single unit vehicles to have independent wheel control. Instead, it requires only certain axles on truck tractors to have independent wheel control. Since air-over-hydraulic brake systems are only installed on single unit vehicles, the problem referenced by HDBMC will not affect air-over-hydraulic vehicles equipped with ABS. Therefore, no changes are necessary to satisfy HDBMC's concerns.

AlliedSignal stated that it does not consider an air-over-hydraulic brake system to be a subsystem of an air brake system. It recommended that the agency reconsider the proposed definition of air-over-hydraulic to be "more 'in tune' with the industry accepted terminology." Specifically, it requested including wording to define the lack of mechanical push-through and/or the definition contained in ISO 611. The ISO definition states that an "air-over-hydraulic system" means

A braking system in which the energy necessary to produce the braking force arises exclusively from compressed air. This energy is transformed to hydraulic energy by one or more air-hydraulic converter(s). The hydraulic fluid actuates the brakes.

NHTSA has determined that the suggested ISO definition would add nothing useful to the definition already proposed by the agency. AlliedSignal's concern over the phrase "no mechanical push-through" is addressed in the definition of "Air Brake System," which clarifies that "air-over-hydraulic" is not the type of system which has mechanical push-through. In an "air-assisted" brake system, if the air or vacuum boost fails, there is still a means available to transmit force to the brakes through the brake pedal. With regard to AlliedSignal's comment on the word "subsystem," Webster's Dictionary states that it is a "secondary or subordinate system," which is consistent with the definition being adopted. Based on the above considerations, no change in the definition is necessary.

AlliedSignal also recommended amending the standard to require that

the hydraulic master cylinders of an air-over-hydraulic brake system comply with S5.3 (Brake System Indicator Lamp) and S5.4 (Reservoirs) of Standard No. 105.

NHTSA has decided not to amend S5.3 and S5.4 of Standard 105 at this time, since it has not proposed these modifications. The agency may consider these modifications in future rulemakings.

IV. Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulation 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 no mandatory effects. Instead, the rule will only codify a longstanding agency interpretation of existing requirements. Therefore, this rulemaking will not have any cost impacts.

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 entities. 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 rulemaking 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 rulemaking will not significantly affect the human environment.

5. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 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. 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 amends Standard No. 121, *Air Brake Systems*, part 571 of Title 49 of the Code of Federal Regulations as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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, S4 is amended by revising the definition of "Air brake system" and by adding the definition of "Air-over-hydraulic brake subsystem" in alphabetical order to read as follows:

§ 571.121 Standard No. 121; Air brake systems.

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S4. Definitions.

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Air brake system means a system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, including an air-over-hydraulic brake subsystem, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

Air-over-hydraulic brake subsystem means a subsystem of the air brake system that uses compressed air to transmit a force from the driver control to a hydraulic brake system to actuate the service brakes.

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Issued on: July 10, 1995.

Ricardo Martinez,
Administrator.

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¹ The ABS final rule did not define "individual wheel control." (60 FR 13216, March 10, 1995) However, that rule defined "Independently Controlled Wheel" to mean a directly controlled wheel for which the modulator does not adjust the brake actuating forces at any other wheel on the same axle.