B2. Are sensors other than the APS critical to safety on either gasoline or diesel engines?

B3. Are engine development trends pushing other sensors toward safety critical operation (i.e., to become a sensor whose malfunction or disconnection could cause a significant uncontrolled engine overspeed)?

B4. Is it practical (from an engineering standpoint) to expect a fail-safe design of a unitary electronic accelerator control system, even in the limited sense of ensuring fail-safe performance in the case of single point failures at predictable locations? Would it be more practical (and still meet the need for safety) to use a redundant, simplified APS and engine controller, active only at the idle position of the pedal? Is the use of redundant systems more practical than a single system to achieve fail-safe performance?

B5. Do any currently produced vehicles with electronic accelerator control systems use redundancy to achieve fail-safe operation?

## C. Vehicle Drive Functions v. Vocational Functions

NHTSA legal interpretations regarding hand throttle controls view their operation as setting a new idle speed to which the throttle should return in the prescribed time limits "upon release of the driver-operated accelerator control system." This view is accurate for traditional "fast idle" setting devices for cold engine operation. But, it may also have resulted in interpretations that do not distinguish between accelerator control systems that drive the vehicle, and auxiliary accelerator controls meant to allow the operation of vocational equipment (such as the compactor on a garbage truck) on a parked vehicle.

C1. How is the cold engine fast idle function accomplished with electronic accelerator controls?

C2. How is the engine of a parked vehicle held at the appropriate speed to operate vocational equipment when the vehicle is equipped with an electronic accelerator control system?

C3. Is there a general way to distinguish between accelerator controls affecting the driving of the vehicle and those affecting only the vehicle's operation as a power source for vocational equipment, presumably without effect on highway safety?

### D. Initial Idle Speed

Manufacturers have been concerned with the question of how consistently a vehicle's engine must return to exactly the same idle speed to meet Standard No. 124. Apparently, the resolution and

hysteresis of the various sensors and the discrete nature of digital systems create idle speed variations that do not in any way indicate failure.

D1. Would it be practical to designate a range about a vehicle's initial idle speed to clarify the difference between normal and abnormal performance of an accelerator control system? Please describe the desirable extent of such a range and provide a rationale for that range.

#### E. Public Technical Meeting

NHTSA believes that the development of any proposal to amend Standard No. 124 may benefit from a direct, oral exchange of ideas among NHTSA, vehicle manufacturers, and other affected parties. Reliance solely on written public comments may not be the most effective means of assessing the appropriate steps for ensuring the safe operation of electronic accelerator control systems.

E1. Once the agency has analyzed the written comments submitted in response to this document, should it hold a public technical meeting to discuss possible proposals for amending the Standard No. 124? If so, on which issues should such a public technical meeting focus?

#### F. Other Issues

F1. Should the agency propose to amend Standard No. 124 in any other respect that has not been discussed above? If so, please describe how the agency should propose to amend the Standard, and provide a rationale for the recommended change.

Rulemaking Analyses and Notices

# 1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This request for comment was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this request for comment and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. The agency anticipates if a proposal and ultimately a final rule should result from this request for comment, new requirements would not be imposed on manufacturers with respect to the currently regulated systems. The request for comment seeks to find cost effective means to make Standard No. 124 more understandable when applied to electronic accelerator control systems. If NHTSA decides to initiate rulemaking, it is NHTSA's intent that the rulemaking not impose any additional costs.

**Procedures for Filing Comments** 

Interested persons are invited to submit comments on this request for comment. 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 address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received after the comment due date will be considered as suggestions for any future rulemaking action. Comments on the request for comment will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: November 28, 1995. Barry Felrice,

Associate Administrator for Safety Performance Standards.

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