

since many of these vehicles are derived from light vehicles, and given its belief that the effectiveness of ABS on light vehicles is open to debate, the industry should be given the opportunity to review and consider comments on equipping Class 3 vehicles with ABS.

NHTSA has previously stated that excluding vehicles of certain weight classes between 10,000 and 26,000 pounds GVWR would create an uneven application of the ABS requirements and could result in an inconsistent regulatory framework that would not provide safety benefits to all vehicles. The results of the accident data analysis that examined the effectiveness of ABS on light vehicles showed that there was a net positive safety benefit from equipping vans, sport utilities, and light trucks with ABS. Since many Class 3 vehicles are derived from these light trucks, the agency anticipates that Class 3 vehicles will also experience safety benefits from being equipped with ABS. The agency therefore disagrees with AM General's conclusion and has decided to deny its petition requesting that Class 3 vehicles be excluded from applicability to the ABS requirements because of the lack of demonstrated effectiveness of ABS on passenger cars.

C. Four-Wheel Drive Vehicles

AM General also requested that the ABS requirement not apply to four-wheel drive vehicles. The company stated that it has had difficulty getting an ABS supplier to develop a system for its Hummer vehicle because of the vehicle's full-time 4WD, torque-biasing differentials on both axles, and low volume production. AM General believes that the issue of four-wheel drive ABS has been overlooked and needs to be addressed openly.

NHTSA believes that it is appropriate to apply the ABS requirements to four-wheel drive vehicles, since such vehicles can and do lose control during braking. Moreover, the agency is aware of ABS applications on current vehicles equipped with full-time four-wheel drive or with all-wheel drive, and believes that the ABS technology, to accomplish an ABS installation on AM General's Hummer vehicle, is readily available. Therefore, the agency has decided to deny AM General's petition requesting that four-wheel drive vehicles be excluded from being equipped with ABS.

D. Trailers and Dollies

UPS petitioned the agency to implement ABS on air-braked vehicles by using a three-year phase-in scheme of 20 percent/50 percent/100 percent for trailers and dollies. That company

requested that in 1998, 20 percent of trailers and dollies be required to have ABS; in 1999, 50 percent be required to have ABS; and in 2000, 100 percent be required to have ABS. UPS claims that it faces critical problems regarding reliability and cost to meet the current effective dates.

NHTSA believes that such a protracted delay in the implementation of ABS on trailers and dollies is unnecessary, given the current state of development of ABS for these vehicles and given that 2S/1M and tandem control configurations on semi-trailers and dollies are being allowed. The agency further notes that no ABS or trailer manufacturer expressed concerns about the agency's timetable or ABS reliability. Moreover, in the final rule, the agency discussed in detail the issues that ATA and UPS raised about reliability of ABS on heavy vehicles. NHTSA concluded that ABSs are reliable and that maintenance costs associated with ABS are neither excessive nor unreasonable compared to other maintenance costs. The agency further stated that these costs will not be significantly reduced if the implementation dates of this rule are further delayed.

X. Miscellaneous

A. National Uniformity

ATA petitioned the agency to clarify that States may not impose compliance dates that differ from NHTSA's rules. That organization specifically requested NHTSA to "confirm * * * that any attempt under State law to impose a retroactive ABS mandate would frustrate the significant Federal statutory purpose and, therefore, is not permitted."

NHTSA notes that the statute (formerly known as the "National Traffic and Motor Vehicle Safety Act of 1966") clearly addresses the issue of preemption at 49 USC 30103(b). That provision states that when a Federal motor vehicle safety standard is in effect, a State generally may only prescribe an identical standard.

B. Publish Complete Regulatory Texts and Compliance Test Procedures

AAMA, HDBMC, and Midland-Grau requested that the agency immediately publish complete and updated versions of Standard No. 105 and Standard No. 121.

NHTSA agrees that there should be complete and updated versions of Standard No. 105 and Standard No. 121, showing all the amendments made by the ABS and Stopping Distance rulemakings. Such changes are generally

reflected in the Code of Federal Regulations published annually by the National Archives and Records Administration. The agency believes that the publication of updated versions of Standard No. 105 and Standard No. 121 would be helpful to the regulated industry. Since the agency's first priority is to issue the substantive rules, it has issued today's notice first. The agency anticipates publishing the updated Standards in 1996.

AAMA, AlliedSignal, HDBMC, and Midland-Grau petitioned the agency to provide the compliance test procedures for Standard 121, TP-121, within 60 days after April 10, 1995.

NHTSA notes that these compliance test procedures are currently under development by the agency and will be made available in the near future.

C. Costs

ATA claimed that NHTSA's cost estimate for ABS "are low by roughly a factor of two." That organization stated that fleets are getting bids on ABS equipment and actual quotes are running at almost \$2,000 per tractor and \$1,400 per trailer.

NHTSA disagrees with ATA that the agency's cost estimates for ABS are low by "a factor of two." The agency conducted an in-depth study of heavy vehicle ABS cost, and the findings are reported in a final report, "Incremental Cost, Weight, and Leadtime Impacts of Requiring Heavy Truck Tractor/Trailer ABS," published in June 1994. This study is based on an annual production volume of 100,000 ABS units. Hence, it is to be expected that the current prices that ATA is quoting would be higher than those provided in the agency's study, considering that current annual production of ABS units is under 10,000 units.

D. Corrections to Standard No. 101 and Standard No. 105

NHTSA has revised Table 2 of Standard No. 101, *Controls and Displays*, to correct several of the identifying symbols in Column 4, which were inadvertently changed in the regulatory text of the final rule. The attached Table 2 has been revised to include the original identifying symbols in Column 4.

NHTSA has also corrected Table II of Standard No. 105 to reflect correct positioning of footnote references.

XI. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice was reviewed under Executive Order 12866. NHTSA has