

**§ 571.208 Standard No. 208, Occupant Crash Protection.**

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*S7. Seat belt assembly requirements.* As used in this section, a law enforcement vehicle means any vehicle manufactured primarily for use by the United States or by a State or local government for police or other law enforcement purposes.

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S7.1.1.2(a) A seat belt assembly installed in a motor vehicle other than a forward control vehicle at any designated seating position other than the outboard positions of the front and second seats shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

(b) A seat belt assembly installed in a forward control vehicle at any designated seating position other than the front outboard seating positions shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

(c) A seat belt assembly installed in a forward-facing rear outboard seating position in a law enforcement vehicle shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to § 571.209.

S7.1.1.3 A Type 1 lap belt or the lap belt portion of any Type 2 seat belt assembly installed at any forward-facing outboard designated seating position of a vehicle with a gross vehicle weight rating of 10,000 pounds or less to comply with a requirement of this standard, except walk-in van-type vehicles and school buses, and except in rear seating positions in law enforcement vehicles, shall meet the requirements of S7.1 by means of an emergency locking retractor that conforms to Standard No. 209 (49 CFR 571.209).

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*S7.2 Latch mechanism.* Except as provided in S7.2(e), each seat belt assembly installed in any vehicle shall have a latch mechanism that complies with the requirements specified in S7.2(a) through (d).

(a) The components of the latch mechanism shall be accessible to a seated occupant in both the stowed and operational positions;

(b) The latch mechanism shall release both the upper torso restraint and the lap belt simultaneously, if the assembly has a lap belt and an upper torso restraint that require unlatching for release of the occupant;

(c) The latch mechanism shall release at a single point; and;

(d) The latch mechanism shall release by a pushbutton action.

(e) The requirements of S7.2 do not apply to any automatic belt assembly. The requirements specified in S7.2(a) through (c) do not apply to any safety belt assembly installed at a forward-facing rear outboard seating position in a law enforcement vehicle.

Issued on June 7, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-14401 Filed 6-12-95; 8:45 am]

BILLING CODE 4910-59-P

**49 CFR Part 571**

[Docket No. 90-3; Notice 5]

RIN 2127-AF63

**Federal Motor Vehicle Safety Standards; Air Brake Systems Air Compressor Cut-In**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** In response to a petition for rulemaking submitted by the Truck Trailer Manufacturers Association (TTMA), this notice proposes to amend the requirement for the minimum air compressor cut-in pressure in Standard No. 121, *Air Brake Systems*, to require the automatic activation of the air compressor whenever the pressure in the air brake system drops below 100 psi. The agency has tentatively concluded that the proposed amendment would ensure that new truck tractors provide trailers with sufficient air pressure for release of the trailer parking brakes and provide adequate service braking.

**DATES:** *Comments.* Comments must be received on or before August 14, 1995.

*Proposed Effective Date.* The proposed amendment in this notice would become effective 30 days after publication of a final rule in the **Federal Register**.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh

Street SW., Washington, DC 20590. (202-366-5274).

**SUPPLEMENTARY INFORMATION:****I. Background**

Standard No. 121, *Air Brake Systems*, specifies performance and equipment requirements for braking systems on vehicles equipped with air brakes, including a requirement specifying the minimum air pressure at which a towing vehicle's air compressor governor must automatically activate. The governor maintains reservoir air pressure between predetermined minimum and maximum pressures. Under the current requirement in S5.1.1.1, the governor must automatically activate the air compressor when air pressure in the reservoir falls to 85 psi. Currently manufactured air brake systems typically operate between 100 psi and 120 psi.

NHTSA adopted the air compressor governor minimum cut-in requirement in S5.1.1.1 on October 8, 1991. (56 FR 50666) The agency explained that, under this requirement, the air compressor on a tractor will be activated to restore or maintain pressure in the brake supply system until the air leak is detected and corrected. The agency further stated that since most vehicles already comply with this requirement, it would not result in an undue burden for manufacturers.

The October 1991 final rule also simplified requirements applicable to air brake systems by amending Standard No. 121 to delete the requirement for each trailer to have a separate protected reservoir for the purpose of releasing the parking brake. Under the rule, air pressure from the tractor supply lines may be used to release the trailer parking brakes rather than air from a separate reservoir. The final rule also specified requirements for a minimum air pressure of 70 p.s.i. in the trailer's supply line in the event of pneumatic failure and for prevention of the automatic application of the trailer parking brakes while the minimum trailer supply line air pressure is maintained.

**II. Rulemaking Petition**

On August 2, 1994, the Truck Trailer Manufacturers Association (TTMA) submitted a petition for rulemaking to amend Standard No. 121 to increase the minimum air pressure governor cut-in requirement in S5.1.1.1 from 85 psi to 100 psi. The petitioner stated that its requested amendment is necessary to assure that new truck tractors provide air braked trailers with sufficient

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

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 too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. 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.

#### List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 121, *Air Brake Systems*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

#### PART 571—[AMENDED]

1. The authority citation for Part 571 would be revised 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, S5.1.1.1 would be revised to read as follows:

#### § 571.121 Standard No. 121; Air brake systems.

\* \* \* \* \*

S5.1.1.1 Air compressor cut-in pressure. The air compressor governor cut-in pressure shall be greater than 100 p.s.i.

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Issued on: June 8, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-14461 Filed 6-12-95; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Comal Springs Salamander

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Comal Springs salamander (*Eurycea* sp.) under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that listing this species may be warranted. The Service is continuing its status review of the species.

**DATES:** The finding announced in this document was made on June 6, 1995.

**ADDRESSES:** Data, information, comments, or questions concerning this petition finding should be submitted to the Field supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. The petition finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lisa O'Donnell, Biologist, at the above address (512/490-0057).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and notice of the finding is to be published promptly in the **Federal Register**. If the finding is that

substantial information was presented, the Service is also required to promptly commence a status review of the species.

The Service has made a negative 90-day finding on the petition to list the Comal Springs salamander (*Eurycea* sp.). The Service finds that the petitioner has not presented substantial information indicating that the requested action for this species may be warranted, as required under section 4(b)(3)(A) of the Act. The Service has been assessing the status of this taxon since its designation as a category 2 candidate. The Comal Springs salamander is currently included in the *Eurycea neotenes* species group, which has been a category 2 candidate species in the Service's candidate notices of review since December 30, 1982 (47 FR 58454). No new information was presented in the petition beyond that used by the Service to assign *Eurycea neotenes* to category 2. Thus, the Service has determined that the Comal Springs salamander shall retain the Category 2 classification currently assigned to the *Eurycea neotenes* species group. Category 2 means that information now in possession of the Service indicates a proposal to determine endangered or threatened status is possibly appropriate, but conclusive data on biological vulnerability and threats are not currently available to support such a proposal.

On June 6, 1994, the Service received a petition from Mr. David Whatley, Director of Parks and Recreation for the City of New Braunfels, Texas, to add the Comal Springs salamander to the list of Threatened and Endangered Wildlife. The letter, dated June 3, 1994, was clearly identified as a petition and contained the name, signature, institutional affiliation, and address of the petitioner. The petition stated that the Comal Springs salamander is generally found in the Comal Springs in Landa Park and Landa Lake, and is among the several unique species in the Comal Springs ecosystem faced with the loss of its habitat due to groundwater withdrawal from the Edwards Aquifer. Although the Service concurs that the Comal Springs ecosystem, as well as other spring ecosystems of the Edwards Aquifer, faces threats from increased groundwater withdrawals and groundwater contamination, many uncertainties still exist regarding the taxonomic status of the Comal Springs salamander (including whether or not it represents a distinct population segment) and its distribution. Until these uncertainties are resolved, the Service believes the Comal Springs