DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–3650]

RIN 2127–AF72

Federal Motor Vehicle Safety Standards: Air Brake Systems

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

ACTION: Termination of proposed rulemaking.

SUMMARY: This notice terminates a rulemaking action in which NHTSA proposed amending the Federal motor vehicle safety standard that establishes requirements for vehicles equipped with air brake systems. The proposed amendment would have required that trucks, buses, and truck tractors be equipped with an automatic means of removing moisture and other contaminants from air brake systems, and would have deleted the current requirement for a supply reservoir since the reservoir's function would be performed by the automatic system. Moisture and contaminants can cause valves to stick, thereby preventing sufficient air pressure from being delivered to the brake chambers.

NHTSA is terminating this rulemaking action because the agency has decided that it should address this issue through more broadly worded performance requirements that would give manufacturers flexibility to choose the type of air cleaning and drying system appropriate for their new air-braked vehicles. The agency will continue to study the issue with a view to initiate a future rulemaking proceeding for regulating the performance of methods for cleansing and drying the compressed air that supplies air brake systems.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Joseph P. Scott, Safety Standards Engineer, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–2720; FAX (202) 493–2739.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard (Standard) No. 121, *Air Brake Systems*, specifies braking performance requirements for vehicles equipped with air brake systems. The standard requires such vehicles to be equipped with, among other things, a ''condensate drain valve that can be manually operated'' (paragraph S5.1.2.4 for trucks and buses and paragraph S5.2.1.3 for trailers). Such valve allows contaminants such as water, oil, and dirt to be drained from the brake system's reservoirs.

On July 28, 1994, Domenic F. Coletta, M.D., Deputy Medical Examiner of Salem County, New Jersey, submitted a petition for rulemaking to amend Standard 121 to require a condensate drain valve that automatically purges moisture and contaminants from the air supply reservoir. Dr. Coletta stated in his petition that currently available automatic drain valves would better ensure safety because reservoirs equipped with manual drain valves are usually not drained on a regular basis by vehicle drivers. He argued, therefore, that contaminants are present in reservoirs, thus creating unsafe conditions for operation of trucks and buses. He cited conversations with truck drivers and New Jersey state police to the effect that manual drain valves are normally not used to remove contaminants from the reservoirs. He supplied no data, however, on the extent to which requiring automatic drain valves could be expected to enhance motor vehicle safety.

On February 21, 1995, NHTSA granted Dr. Coletta's petition and, on July 24, 1995, issued a request for comments seeking data on automatic drain valves and the effects contaminants in air brake systems before proceeding to rulemaking (60 FR 37864).

The agency received 34 responses to the request for comments from vehicle and equipment manufacturers, industry trade associations, a safety advocacy group, fleet and individual truck operators, a U.S. senator, and numerous private citizens. In general, the manufacturers and trade associations stated that a Federal requirement was not necessary, that the current use of air dryers and the trend toward their widespread use was sufficient to maintain a safe level of performance. Several commenters stated that they had no record of any crashes caused by contaminated air in the brake system. The commenters were split, however, on whether contaminated air constituted a significant safety problem in an air brake system.

Based on a thorough review of the comments, NHTSA published a Notice of Proposed Rulemaking (NPRM) on November 4, 1996 (61 FR 56652), proposing to amend Standard 121 to require that each truck, bus, and truck tractor be equipped with an automatic means of removing moisture and contaminants from its air brake system. The purpose of this proposal was to improve the safety of air-braked vehicles by improving the reliability and durability of ABS modulator valves and pneumatic control valves. The NPRM also proposed the deletion of the requirement for a supply reservoir since its function, the removal of moisture and contaminants, would be accomplished by the addition of such automatic means. Accordingly, NHTSA believed that the deletion of the supply reservoir would not adversely affect the safety of those vehicles. It is worth noting that S5.1.2 of Standard No. 121 provides the option of removing moisture and contaminants by using either a supply reservoir or a service reservoir(s) with automatic drain valves.

The agency received 26 comments on the NPRM, the majority of which (17 of 26) supported the proposal to mandate a means of automatically removing moisture and contaminants from air brake systems. Others supported the use of such devices, but opposed mandating them.

Agency Decision

The agency estimates that approximately 80 to 90 percent of new truck tractors and 75 percent of new single-unit trucks are now being equipped with some type of air moisture/contaminant removal system.

There are 3 basic removal systems which currently can be used on new trucks, tractors and buses equipped with air brakes: automatic drain valves, supply reservoirs (wet tank), and air dryers. Each system has its advantages and disadvantages, as follows:

a. Automatic drain valve. (1) *Advantages.* This is the simplest system for ensuring a clean and dry air brake system. It purges most of the contamination in the supply reservoir, thus preventing contamination from entering the service reservoirs and pneumatic drain valves farther downstream. Since drivers and maintenance personnel may not drain the reservoirs on a daily basis as they should, an automatic drain valve will systematically drain the reservoirs without the need for human intervention. Automatic drain valves on each reservoir could ensure a cleaner air brake system, especially in light of the requirements for ABS.

(2) *Disadvantages.* Automatic drain valves can become clogged and frozen, resulting in the danger of the valve sticking open or closed. Particularly in the southwestern United States, an automatic drain valve would add costs without providing any significant benefits. Unlike air dryers, such valves do not provide any significant dew point reduction. Thus, the air in the brake system could still retain sufficient moisture to degrade the pneumatic valves.

b. Supply reservoir (wet tank). (1) *Advantages.* The supply reservoir or wet tank provides a means of collecting moisture and contaminants before they enter the air brake system, thereby acting as a buffer between the compressor and the service reservoirs. The supply reservoir traps most of the condensate and contaminants before they reach the service reservoirs and provides a backup for desiccant-type dryers in the event of failure.[1]

(2) *Disadvantages.* The presence of the wet tank complicates the air system and reduces the amount of compressed air available for the emergency brake system.

c. Air Dryer. (1) *Advantages.* Air dryers with an integrated condensate drain valve are currently the most effective method of removing moisture and other contaminants from an air brake system. Air dryers also provide some filtration of the compressed air by removing some oils and contaminants from the air. Automatic drain valves do not provide any dew point reduction, while air dryers can provide a 10° to 20° Fahrenheit reduction. This is important because moisture can still be present even with automatic drain valves installed in the system.

(2) *Disadvantages.* Air dryers can fail, and can increase the application times for service and parking brakes. Further, air dryers could place an unnecessary cost burden on some operators and fleets, such as those operating in the southwestern United States, where humidity is low and there is less need for air dryers.

After much consideration and analysis of this issue, NHTSA now believes that it should address this issue through more broadly worded performance requirements that would give manufacturers flexibility to choose the type of air cleaning and drying system appropriate for their new air-braked vehicles. However, the agency is not yet ready to propose such requirements. Accordingly, NHTSA is terminating this rulemaking action.

The agency's goal throughout its consideration of these issues has been, and remains, ensuring the removal of moisture and contaminants from air brake systems by improving the reliability and durability of ABS and associated modular valves and pneumatic control valves. To that end, the agency is actively working with the Society of Automotive Engineers (SAE) to establish an SAE Recommended Practice and associated test procedures for air drying and cleansing equipment used in air brake systems. These procedures would be valuable for testing the vast majority of new heavy trucks. NHTSA estimates that, currently, over 80 percent of new air-braked heavy trucks are being built with air dryers and of those, more than 90 percent are the desiccant type dryers. Regardless of the results of SAE's efforts, however, NHTSA intends to propose performance requirements for the removal of moisture and contaminants from air brake systems, and provide comprehensive test procedures to measure that performance.

Meanwhile, the agency notes that paragraph S5.1.2 of Standard 121 requires that manufacturers provide ''either an automatic condensate drain valve for each service reservoir or a supply reservoir between the service reservoir system and the source of air pressure.'' This will assure that trucks and buses equipped with air brakes will have a means of moisture/contaminant removal adequate to maintain the safety of such systems. Completion of the SAE studies is estimated to be in the fall of 1998.

For the reasons stated above, NHTSA is terminating this rulemaking action.

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

Issued on March 20, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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[1] In a typical desiccant-style system, the incoming air is routed into the bottom end of an air dryer where a large portion of the moisture and contaminants falls to the bottom. The partially cleaned air then passes through an oil separator. The air, still moist, then is passed through a drying bed of desiccant material (a substance, such as calcium oxide, used as a drying agent) that absorbs the remaining moisture. These dryers are equipped with an automatic drain valve that periodically purges moisture and contaminants from the air system.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980319068–8068–01; I.D. 021998A]

RIN 0648–AK59

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Fishing Moratorium

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to extend the current moratorium on harvesting seamount groundfish from the Hancock Seamount in the Northwestern Hawaiian Islands for 6 years, through August 31, 2004. The fishery has been under a moratorium since 1986. At its meeting the week of April 21, 1997, the Western Pacific Fishery Management Council (Council) heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee that indicated that armorhead (*Pentaceros richardsoni*), an overfished seamount species, has not recovered; therefore, the Council recommended that the moratorium be extended. This proposed rule would allow the protection provided for this resource to continue.

DATES: Comments must be submitted by May 11, 1998.

ADDRESSES: Comments on the proposed rule should be sent to William T. Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: James J. Morgan or Svein Fougner, Assistant Regional Administrator for Sustainable Fisheries, (562) 980–4030, or Mr. Al Katekaru, Pacific Islands Area Office, (808) 973–2985.

SUPPLEMENTARY INFORMATION: When the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) was implemented (51 FR 27413, July 31, 1986), a 6-year moratorium was established to aid the recovery of armorhead (*Pentaceros richardsoni*) on Hancock Seamount. This resource was overfished by foreign vessels before the Magnuson Fishery Conservation and Management Act was implemented; it has never been the target of domestic