

(4) Revision of Commercial Price List. The Contractor may request a modification to substitute a new catalog or price list for the one originally submitted if, after award and no later than 30 calendar days before the start of the schedule contract period, the Contractor changes its established commercial catalog or price list on which the contract was awarded. The new catalog or price list shall be submitted to the Contracting Officer along with a statement that (i) the new commercial price list is or will be in effect prior to the start of the contract period, and (ii) the discount(s) offered to the Government remain at the same ratio to those available to the customer (or category of customer) which was the basis of award.

(c) Effective dates. The effective date of any modification is the date specified in the modification, except as otherwise provided in the Price Reduction clause at 552.238-76.

(d) Electronic file updates. The Contractor shall update electronic file submissions to reflect all modifications. Except for price reductions and corrections, the Contractor shall obtain the contracting officer's approval before transmitting changes. Contract modifications will not be made effective until updates to electronic files are received. Price reductions and correction may be transmitted without prior approval. However, the contracting officer shall be notified as set forth in the Price Reduction clause at 552.238-76.

(e) Amendments to paper Federal Supply Schedule Price Lists. The Contractor shall distribute a supplemental paper Federal Supply Schedule Price List reflecting accepted changes within 15 days after the effective date of the modification. At a minimum, distribution shall be made to these ordering activities that previously received the basic document. In addition, two copies of the supplemental price list shall be submitted to the contracting officer, and one copy shall be submitted to the FSS Schedule Information Center.

(End of Clause)

Alternate I (Feb 1996)

Substitute the following introductory text in subparagraph (1) for the introductory text in subparagraph (1) of the basic clause.

(1) Additional items/additional SIN's. Consideration for adding new items or new SIN's will be given 3 months into the contract period. After then, the contractor may request additions at any time. When requesting additions the following information must be submitted.

62. Section 552.246-73 is amended by revising the date of the clause and the basic clause to read as follows:

552.246-73 Warranty—Multiple Award Schedule.

* * * * *

Warranty—Multiple Award Schedule (Feb 1996)

Unless specified otherwise in this contract, the Contractor's standard commercial warranty as stated in the Contractor's commercial price list will apply to this contract.

(End of Clause)

552.253-70 [Removed]

63. Section 552.253-70 is removed.

PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

570.308-2 [Amended]

64. Section 570.308-2 is amended in paragraph (c) by removing "and 515.804-3" at the end of the sentence.

570.602-2 [Amended]

65. Section 570.602-2 is amended in paragraphs (c)(3) and (d) by removing "and 515.804-3".

Dated: February 6, 1996.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 96-3593 Filed 2-15-96; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-3; Notice 6]

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: Final rule.

SUMMARY: This document concludes a rulemaking proceeding begun in response to a petition for rulemaking submitted by the Truck Trailer Manufacturers Association (TTMA). It amends Standard No. 121, *Air Brake Systems*, to require the automatic activation of the air compressor on a powered vehicle whenever the pressure in the air brake system drops below 100 pounds per square inch (psi). The agency has concluded that the amendment will ensure that new truck tractors provide trailers with sufficient air pressure for release of the trailer parking brakes and provide adequate service braking. In addition, the amendment will provide greater air reserves on all air braked vehicles.

DATES: *Effective date.* The amendment becomes effective March 18, 1996. *Compliance date.* Compliance with the amendment will be required on and after March 1, 1997.

Petitions for reconsideration. Any petitions for reconsideration of this rule must be received by NHTSA no later than April 1, 1996.

ADDRESSES: Petitions for reconsideration of this rule should refer to the above referenced docket numbers and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Richard Carter, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-5274.

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-366-2992).

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 compressor. 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 pounds per square inch (psi). Currently manufactured air brake systems typically operate between 100 psi and 120 psi.

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

The October 1991 final rule also amended Standard No. 121 by deleting 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 instead of air from a separate reservoir. The final rule also specified requirements for a minimum air pressure of 70 psi in the trailer's supply line in the event of pneumatic failure. The final rule also prevents 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 S5.1.1.1 of Standard No. 121 to increase the minimum air pressure, at which the governor is required to activate the air compressor, 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 compressor cut-in requirement may not be sufficient to ensure that adequate pressure is supplied 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 that these higher pressures will store more air for use by the braking systems. The petitioner further stated that "all tractor manufacturers are now building tractors whose nominal compressor cut-in pressure is at least 100 psi."

III. NHTSA Proposal

On June 13, 1995, NHTSA published a notice of proposed rulemaking (NPRM) proposing to increase the required minimum air compressor cut-in pressure from 85 psi to 100 psi. (60 FR 31135) The agency set forth the following reasons for its decision to propose increasing the cut-in air pressure above the current 85 psi level. First, the agency believed 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, raising the minimum cut-in pressure would allow the storage of an additional volume of compressed air that would be available for an air brake system. Second, the agency stated that 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, the agency stated that a greater margin of safety would be provided for long

stroke brake chambers, which need more compressed air.

After explaining its tentative conclusion that increasing the cut-in pressure to 100 psi would not result in any safety problems, NHTSA invited comments about whether the proposed amendment would affect safety.

NHTSA further stated that its analysis of current manufacturing practices confirmed TTMA's statement that manufacturers are typically building vehicles 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 (ATA) 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, Midland-Grau and Allied Signal, which together produce over 95 percent of the air compressors and governors in the United States, stated that they set their air compressors and governors at 100 psi or higher. Based on its research, NHTSA was aware of no company that manufactures these devices with a cut-in pressure between 85 and 100 psi nor of any purchaser that requests a cut-in pressure in this lower range. Accordingly, NHTSA believed that the proposed amendment would codify existing industry practice, since equipment on new vehicles are being built with the proposed settings.

IV. Comments on the NPRM and Final Rule

NHTSA received comments from ATA, the Truck Manufacturing Association (TMA), the Heavy Duty Brake Manufacturing Council (HDBMC), the Truck Trailer Manufacturers Association (TTMA), the Advocates for Highway Safety (Advocates), vehicle manufacturers (Ford, Mack Truck, Navistar, and PACCAR), brake manufacturers (Allied Signal and Midland-Grau), and an engineering consultant.

The commenters generally supported the proposal to raise the air compressor cut-in pressure to 100 psi or more. Even though it did not oppose the proposal, TMA stated that there was little need for adopting the proposal since the vast majority of vehicles already meet the proposed requirements and the rest will soon comply. That organization expressed concern that while most domestic manufacturers already comply with the cut-in requirements, new entries and imports may be designed to the 85 psi requirement. However, NHTSA believes that in Europe, cut-in pressure is typically over 100 psi.

Should TMA have specific data on this issue, it is encouraged to present it to the agency. TMA, Navistar, AlliedSignal, Mack Trucks, and HDBMC requested that the agency modify the wording to state that the cut-in pressure shall be "100 psi or greater." These commenters believed that this modified wording will accommodate variations in manufacturers' recommended cut-in pressures.

Based on its review of the comments and the available information, NHTSA has decided to amend Standard No. 121 to require the automatic activation of the air compressor whenever the pressure in the air brake system drops below 100 psi. As the agency stated in the NPRM, this amendment will ensure 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, raising the cut-in pressure allows the storage of an additional volume of compressed air that will be available for an air brake system. Second, requiring an overall higher system air pressure will allow a better "match up" of protection valve settings between the tractors and trailers. Third, the amendment will provide a greater margin of safety for long stroke brake chambers, which need more compressed air. The agency anticipates no safety problems as the result of this amendment.

ATA commented that it had no objection to the proposal if it applied only to towing trucks and tractors. However, that organization opposed applying the proposal to single unit vehicles.

NHTSA has decided to apply the air compressor cut-in pressure requirements to all powered vehicles, including single unit vehicles. The agency believes that raising the air compressor cut-in pressure to 100 psi provides potential safety benefits in addition to providing faster brake release times between the tractor and trailers and better balancing of pressures. The agency has decided to include single unit vehicles in the requirements because of its concern over increased air consumption with long stroke brake chambers combined with ABS. The agency is currently reviewing petitions for reconsideration on its rule allowing long stroke brake chambers and, subsequent to its response, encourages ATA and others to reexamine this issue. Even though ATA stated that it was concerned that there may be some special applications or vehicle types where a lower air pressure is desirable or necessary, the agency is not aware of any specific examples of

any such special conditions that preclude the use of the higher air pressure.

In the NPRM, NHTSA proposed that compliance date for the final rule be 30 days after its publication in the Federal Register. The agency stated that this amendment would have no adverse effect on manufacturers since all manufacturers currently comply with the proposed requirements. NHTSA requested comments about whether a leadtime of 30 days would be appropriate or whether more lead time was necessary.

Advocates favored a compliance date of 30 days after the notice's publication. Mack requested that the compliance date not occur before March 1, 1996, since that company manufactures two low volume truck tractor models and a high volume truck model that require a longer leadtime to convert to the higher cut-in pressure. PACCAR, commenting through TMA, stated that it will need 12 months to adapt to the proposed change.

NHTSA has decided to set a compliance date of March 1, 1997 for the amended air compressor cut-in pressure. The agency believes that providing additional leadtime is necessary given that some manufacturers will need additional time to modify certain vehicles. Given that these manufacturers would have to make significant changes to certain air brake systems, they would not be able to make the modifications within the 30 day period that was initially proposed. This compliance date also corresponds to that for the antilock brake system and stopping distance requirements for truck tractors.

V. Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory 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 a minimal effect on the costs or performance of the existing air brake systems. For most manufacturers and most vehicles, today's 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 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. Vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles will not be significantly affected by the requirements since the cost of new vehicles will not change. 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 rule 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 rule will not significantly affect the human environment.

5. Civil Justice Reform

This rule will 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending part 571 of Title 49 of the Code of Federal Regulations as follows:

PART 571—[AMENDED]

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, S5.1.1.1 is 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 100 p.s.i. or greater.

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Issued on: February 8, 1996.

Ricardo Martinez,

Administrator.

[FR Doc. 96-3258 Filed 2-15-96; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 950725189-5260-02; I.D. 021296B]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast sub-zone. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: The closure is effective 12 noon, local time, February 12, 1996, through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642 under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of