

1990, more than 30 days prior to the effective date of this rule (July 1, 1991).

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies and Procedures

This final rule and policy statement have been evaluated in accordance with existing policies and procedures. They are considered to be non-major under Executive Order 12291. Because it involves a Congressional mandate and because this rule involves the safety of hazardous materials transportation in tank cars, it is considered significant under the DOT policies and procedures. (44 FR 11034; February 26, 1979.)

This rule will not have any direct or indirect economic impact because it mirrors a statutory requirement and does not alter an existing substantive or procedural regulation or standard of the regulated industry in such a way as to impose additional burdens. The cost of complying with existing substantive regulations and industry standards is not being increased. The rule merely contains a regulatory formulation of a statutory mandate. Accordingly, preparation of a regulatory evaluation is not warranted.

Regulatory Flexibility Act

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

There are no information collection requirements contained in this rule and policy statement.

Environmental Impact

FRA has evaluated this rule and policy statement in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act and related directives. This notice meets the criteria that establish this as a non-major action for environmental purposes.

Federalism Implications

This rule will not have a substantial effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

List of Subjects

49 CFR Part 173

Hazardous Materials Transportation, Packagings, Qualification of Tank Cars, Tank Cars.

Regulatory Text

In consideration of the foregoing, 49 CFR part 173 is amended as follows:

1. The authority citation for part 173 is revised to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1805, 1806, 1807, 1808, 1817; 49 CFR Part 1, unless otherwise noted.

2. In § 173.31, a new paragraph (a)(7) is added to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) General qualifications for use.

(7) Effective July 1, 1991, no railroad tank car, regardless of its construction date, may be used for the transportation in commerce of any hazardous material unless the air brake equipment support attachments of such tank car comply with the standards for attachments set forth in §§ 179.100-16 and 179.200-19, as in effect on November 16, 1990.

(49 U.S.C. App. §§ 1803, 1804, 1808, 1817, §§ 1.49(s)(2) and 1.53, App. A to part 1)

Issued in Washington, DC on September 30, 1991, under authority delegated in 49 CFR part 1.

Gilbert E. Carmichael,
Administrator, Federal Railroad Administration.

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Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-112; Amendment 195-45]

Transportation of Carbon Dioxide by Pipeline

September 10, 1991.

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final Rule; extension of time for compliance and response to petition of reconsideration.

SUMMARY: This final rule extends the time for compliance with the new requirements for existing carbon dioxide pipelines. This extension of time for compliance is done in response to a petition for reconsideration.

EFFECTIVE DATE: The effective date of the final rule establishing regulations for

the transportation of carbon dioxide by pipeline published on June 12, 1991, in 56 FR 26922 remains July 12, 1991. Carbon dioxide pipelines that are placed into operation, relocated, replaced, or otherwise changed after the effective date must be in compliance with the regulations. However, the regulations have been revised so that carbon dioxide pipeline in existence on July 12, 1991, and not relocated, replaced or otherwise changed after that date, are not required to be in compliance with those requirements until July 12, 1992.

FOR FURTHER INFORMATION CONTACT: Cesar De Leon, (202) 366-1640 regarding the contents of this final rule; or the Docket Unit (202) 366-5646 regarding copies of this final rule or other information in the docket.

SUPPLEMENTARY INFORMATION: In a petition for reconsideration, the American Petroleum Institute (API) requested a change in the effective date of July 12, 1991, for the final rule "Transportation of Carbon Dioxide by Pipeline" (56 FR 26922; June 12, 1991).

API requested the extension because the final rule applied to more pipeline facilities than it had anticipated from the language in the NPRM. API notes that the final rule makes "more segments of 2" to 8" diameter laterals and injection lines" subject generally to compliance with requirements of 49 CFR part 195. These pipelines are located in the production fields. API argues that compliance with the operations and maintenance requirements of part 195 will require significant investments of time, effort, and training. Some of the more labor and time intensive requirements include: (1) Development or revision of operations, maintenance, and emergency manuals and procedures; (2) training of engineering, operations, maintenance, and construction personnel regarding DOT-specified procedures; (3) retrieval and organization of required records, development of maps, and inventory of pipeline and facilities. API states that 30 days from the date of issue of the final rule is inadequate time for compliance and requests an extension to July 12, 1992.

Upon reconsideration, RSPA agrees that the development of procedural manuals that meet the requirements of part 195, the conduct of adequate training for pipeline personnel, and the implementation of other operation and maintenance requirements of part 195 may, without advance planning, take more than the 30 days which the final rule provided. Thus to the extent that the operators of carbon dioxide lines

had not anticipated the application of the regulations to certain pipeline facilities, they may be unable to achieve compliance in the 30 days provided. Accordingly, RSPA is extending the time for compliance with the operations and maintenance requirements for existing lines for one year, until July 12, 1992.

Although API does not explicitly address the issue, the equivalent argument as to the difficulties of bringing existing lines into compliance does not apply to those pipelines not yet placed in service. Accordingly, no change is made with respect to the compliance date for those new facilities.

This regulation was not enforced by RSPA while this petition was under consideration.

Impact Assessment

These regulations extend the time for compliance with the operations and maintenance requirements for existing lines for one year so that there is no additional cost to comply with these rules. This final rule is considered to be non-major under Executive Order 12291, and not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). This extension does not warrant preparation of a Regulatory Evaluation. Also, based on the facts available concerning the impact of this final rule, I certify under section 606 of the Regulatory Flexibility Act that it does not have a significant impact on a substantial number of small entities. This action has been analyzed under the criteria of Executive Order 12612 (52 FR 41685) and found not to warrant preparation of a Federalism Assessment.

In consideration of the foregoing, RSPA amends title 49 of the Code of Federal Regulations part 195 to read as follows:

PART 195—[AMENDED]

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. App. 2001 *et seq.*; 49 CFR 1.53.

2. Section 195.1 is amended by adding paragraph (c) to read as follows:

§ 195.1 Applicability

(c) Except for carbon dioxide pipelines that are relocated, replaced, or otherwise changed, operators with carbon dioxide pipelines in existence on July 12, 1991, need not comply with this part until July 12, 1992.

Issued in Washington, DC on October 1, 1991.

Travis P. Dungan,
Administrator, Research and Special
Programs Administration.
[FR Doc. 91-24127 Filed 10-7-91; 8:45 am]
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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-3; Notice 2]

RIN 2127-AA27

Federal Motor Vehicle Safety Standards Air Brake Systems

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

ACTION: Final rule.

SUMMARY: Standard No. 121, *Air Brake Systems*, specifies requirements for the performance of trailer pneumatic brake systems in the event of pneumatic system failure. This final rule deletes the requirement for a separate reservoir capable of releasing the parking brakes. Under this rule, air from the tractor supply lines may be used instead of air from such a reservoir. This rule also adds requirements for a minimum compressor cut-in pressure for trucks and buses, for the retention of a minimum level of pressure in a trailer's supply line in the event of pneumatic failure, and for the prevention of automatic application of trailer parking brakes while the minimum trailer supply line pressure is maintained. Today's notice will encourage the use of more effective trailer braking systems and simplify the maintenance of those systems. Finally, the agency has decided not to adopt certain other proposed requirements because there was insufficient justification for their adoption and because they might have interfered with the implementation of other safety features.

DATES: The amendments made by the final rule to the Code of Federal Regulations are effective October 8, 1992. Optional compliance is permitted effective November 7, 1991. Petitions for reconsideration of this final rule must be filed by November 7, 1991.

ADDRESSES: Petitions for reconsideration of this final rule should refer to the docket and notice numbers set forth above and be submitted to: Administrator, room 5220; National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington,

DC 20590. It is requested, but not required, that 10 copies be submitted.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC (202-366-5274).

SUPPLEMENTARY INFORMATION:

Background

Air-braked trailers have two types of brakes: Service brakes used for normal stopping in traffic and parking brakes used both for parking and stopping the trailer in the event of a breakaway. The parking brakes may also be used to help stop the vehicle in the event of a loss of trailer service braking capability. The service brakes are applied by the driver's actuating a foot-controlled treadle valve. This transmits a pressure signal, proportional to the foot pressure on the treadle valve, via the control line to open the service relay valve(s). The opening of the relay valve(s) allows air from the brake reservoirs to pressurize the brake chambers (to a level that is proportional to the pressure in the control line), applying the brakes in proportion to the foot pressure on the treadle valve. The pressure in the brake reservoirs is supplied via the brake supply line.

Manual application of the parking brakes occurs when the driver actuates a hand-operated parking control valve, venting the supply line. The venting of the supply line results in application of the parking brakes by means of spring pressure or air pressure. Automatic application of the parking brakes can occur in two situations. First, if the pressure in the trailer supply line falls below a certain level, tractor valving closes and vents the supply line to the trailer. The venting of the trailer supply line results in application of the parking brakes. Second, if the trailer should break away from the tractor, the venting due to breaking of the trailer supply line hose results in application of the parking brakes.

First Notice of Proposed Rulemaking (July 1981)

On July 23, 1981, NHTSA published in the *Federal Register* (46 FR 37952) a notice of proposed rulemaking (NPRM) to amend Standard No. 121, *Air Brake Systems*, by deleting the requirement that trailers have a separate reservoir capable of releasing the parking brakes (section S5.2.1.1). The rulemaking was initiated in response to a petition for rulemaking submitted by Berg Manufacturing Company.