

paragraph (a)(1) or (a)(2) of this section must pay an annual registration fee of \$2,575 and the processing fee required by paragraph (a)(4) of this section.

(4) *Processing fee.* The processing fee is \$25 for each registration statement filed. A single statement may be filed for one, two, or three registration years as provided in § 107.616(c).

(b) For registration years 2009–2010 and prior years, each person that offered for transportation or transported in commerce a material listed in § 107.601(a) during that year must pay the annual registration fee, including the processing fee, specified under the requirements of this subchapter in effect for the specific registration year.

\* \* \* \* \*

Issued in Washington, DC, on March 24, under authority delegated in 49 CFR part 1.

**Cynthia L. Quarterman,**  
*Administrator.*

[FR Doc. 2010–7035 Filed 3–29–10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA 2009–0175]

RIN 2127–AK62

**Federal Motor Vehicle Safety Standards; Air Brake Systems**

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

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** In July 2009, NHTSA published a final rule that amended the Federal motor vehicle safety standard for air brake systems by requiring substantial improvements in stopping distance performance. In November 2009, the agency published a final rule that provided a partial response to petitions for reconsideration of the earlier rule. Today’s document corrects errors in the November 2009 final rule.

**DATES:** This rule is effective April 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Mr. Jeff Woods, Office of Crash Avoidance Standards (Telephone: 202–366–5274) (Fax: 202–366–7002). For legal issues,

you may call Mr. Edward Glancy, Office of Chief Counsel (Telephone: 202–366–2992). You may send mail to these officials at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** On July 27, 2009, NHSTA published a final rule<sup>1</sup> in the **Federal Register** (74 FR 37122) amending Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems*, to require improved stopping distance performance for truck tractors. The agency provided two years of lead time for typical three-axle tractors, which comprise approximately 82 percent of the truck tractor fleet. The agency concluded that other types of tractors, which are produced in far fewer numbers and may require additional work to fully develop improved brake systems and also to ensure vehicle control and stability while braking, would require more lead time, and the agency provided four years for these vehicles to comply with the new stopping distance requirements.

NHTSA received eight petitions for reconsideration to the July 2009 final rule. The petitions were submitted by manufacturers of truck tractors, an association of truck manufacturers, and heavy truck brake component manufacturers.

On November 13, 2009, NHTSA published in the **Federal Register** (74 FR 58562) a final rule; partial response to petitions for reconsideration.<sup>2</sup> One of the issues we addressed in that document was how typical three-axle tractors should be defined for purposes of determining whether a three axle tractor is subject to the upgraded requirements with two years of leadtime rather than a longer period. In that document, we explained that we intended to limit the definition of typical three axle tractors to those that have a steer axle GAWR of 14,600 pounds or less and a combined drive axle GAWR of 45,000 pounds or less.<sup>3</sup>

The Truck Manufacturers Association (TMA) submitted a petition for reconsideration of the November 2009 final rule, citing an issue that it believed to be an error. TMA noted that the agency used the term “rear axles” instead of “rear drive axles” in two portions of the regulatory text defining the typical three axle tractors subject to

the upgraded requirements with two years of leadtime rather than a longer period. TMA stated that based strictly on the regulatory text using the term “rear axles,” certain three-axle tractors with one driven rear axle and one non-driven rear axle (a 6x2 tractor configuration) may fall under the two-year leadtime implementation date for the new requirements. That organization stated that 6x2 tractors are specialty vehicles that are manufactured in low volumes. TMA noted statements in the preamble referring to drive axles. TMA requested that the agency revise S5 and the title of Table IIa to use the term “rear drive axles.”

NHTSA has reviewed TMA’s submission and agrees that the omission of the word “drive” in S5 and the title heading of Table IIa was an error. We are correcting FMVSS No. 121 by adding the word “drive” in those locations.

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

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

■ Accordingly, 49 CFR part 571 is corrected by making the following correcting amendments:

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

■ 1. The authority citation for part 571 of title 49 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. Section 571.121 is amended by revising S5 and Table IIa to read as follows:

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

\* \* \* \* \*

S5. *Requirements.* Each vehicle shall meet the following requirements under the conditions specified in S6. However, at the option of the manufacturer, the following vehicles may meet the stopping distance requirements specified in Table IIa instead of Table II: Three-axle tractors with a front axle that has a GAWR of 14,600 pounds or less, and with two rear drive axles that have a combined GAWR of 45,000 pounds or less, that are manufactured before August 1, 2011; and all other tractors that are manufactured before August 1, 2013.

\* \* \* \* \*

<sup>1</sup> Docket # NHTSA–2009–0083

<sup>2</sup> Docket # NHTSA–2009–0175.

<sup>3</sup> 74 FR at 58564.

TABLE IIA—STOPPING DISTANCE IN FEET: OPTIONAL REQUIREMENTS FOR: (1) THREE-AXLE TRACTORS WITH A FRONT AXLE THAT HAS A GAWR OF 14,600 POUNDS OR LESS, AND WITH TWO REAR DRIVE AXLES THAT HAVE A COMBINED GAWR OF 45,000 POUNDS OR LESS, MANUFACTURED BEFORE AUGUST 1, 2011; AND (2) ALL OTHER TRACTORS MANUFACTURED BEFORE AUGUST 1, 2013

Vehicle speed in miles per hour	Service brake				Emergency brake	
	PFC	PFC	PFC	PFC	PFC	PFC
	0.9 (1)	0.9 (2)	0.9 (3)	0.9 (4)	0.9 (5)	0.9 (6)
20	32	35	38	40	83	85
25	49	54	59	62	123	131
30	70	78	84	89	170	186
35	96	106	114	121	225	250
40	125	138	149	158	288	325
45	158	175	189	200	358	409
50	195	216	233	247	435	504
55	236	261	281	299	520	608
60	280	310	335	355	613	720

**Note:** (1) Loaded and unloaded buses; (2) Loaded single unit trucks; (3) Unloaded truck tractors and single unit trucks; (4) Loaded truck tractors tested with an unbraked control trailer; (5) All vehicles except truck tractors; (6) Unloaded truck tractors.

\* \* \* \* \*

Issued on: March 25, 2010.

**Stephen R. Kratzke,**  
Associate Administrator for Rulemaking.  
[FR Doc. 2010-7132 Filed 3-29-10; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA 2010-0043]

RIN 2127-AK38

**Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention**

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to a statutory mandate in the Cameron Gulbransen Kids Transportation Safety Act of 2007, NHTSA is placing a requirement in Federal Motor Vehicle Safety Standard No. 114 that certain motor vehicles with an automatic transmission that includes a “park” position manufactured for sale on or after September 1, 2010 be equipped with a brake transmission shift interlock (BTSI). This interlock must necessitate that the service brake pedal be depressed before the transmission can be shifted out of

“park,” and must function in any starting system key position. The BTSI requirement adopted by this final rule is identical in substance to the Congressional requirement.

**DATES:** This final rule is effective April 29, 2010. *Petitions for reconsideration:* If you wish to petition for reconsideration of this rule, your petition must be received by May 14, 2010.

**ADDRESSES:** If you submit a petition for reconsideration of this rule, you should refer in your petition to the docket number of this document and submit your petition to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building, Washington, DC 20590.

The petition will be placed in the public docket. Anyone is able to search the electronic form of all documents received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

**FOR FURTHER INFORMATION CONTACT:** For technical issues, you may contact Gayle Dalrymple, NVS-123, Office of Rulemaking, by telephone at (202) 366-0098, by fax at (202) 366-7002, or by email to [gayle.dalrymple@dot.gov](mailto:gayle.dalrymple@dot.gov). For legal issues, you may contact David Jasinski, Office of the Chief Counsel, NCC-112, by telephone at (202) 366-2992, by fax at (202) 366-3820, or by email to [david.jasinski@dot.gov](mailto:david.jasinski@dot.gov). You may send mail to both of these officials at National Highway Traffic Safety

Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Statutory Mandate and Background
- II. Summary of the NPRM
- III. Comments and Analysis
- IV. Effective Date
- V. Rulemaking Analysis and Notices

**I. Statutory Mandate and Background**

On February 28, 2008, the “Cameron Gulbransen Kids Transportation Safety Act of 2007” (the K.T. Safety Act, or “Act”) was signed into law.<sup>1</sup> This Act relates to several aspects of motor vehicle safety involving incidents where a person, frequently a child, could be hurt in non-traffic situations. The K.T. Safety Act addresses safety concerns related to, among other matters, power windows, rearward visibility, and vehicles rolling away. The latter refers to incidents that typically involve an unattended child managing to shift the vehicle’s transmission out of the “park” position when the child is left in a vehicle with the vehicle’s key. With a BTSI system, the brake pedal must be depressed before the transmission can be shifted out of park. To reduce the occurrence of roll away incidents, the Act requires that each vehicle that is less than 10,000 pounds “gross vehicular weight,” excluding motorcycles and trailers, manufactured for sale after September 1, 2010, that includes an automatic transmission with a “park” position, be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of “park” (i.e., a BTSI system). The Act further requires the system to function in any

<sup>1</sup> Pub. L. 110-189, 112 Stat. 639 (Feb. 28, 2008).