

directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission. In reviewing Standard No. 301, the agency identified several obsolete sections relating to (1) the standard's general requirements in S5 as they apply to light vehicles, (2) the requirements for school buses in S5.4, and (3) the requirements for fuel spillage in S5.5. These sections are obsolete because the time periods to which they relate are all in the past. To improve the clarity and conciseness of Standard No. 301, the agency is deleting these sections from the standard.

The obsolete sections of the standard relating to certain light vehicles are S5.2 and S5.3. Paragraph S5.2 had set forth requirements for vehicles with a gross vehicle weight rating (GVWR) of 6,000 pounds or less. Paragraph S5.3 had set forth requirements for vehicles with a GVWR of more than 6,000 pounds but not more than 10,000 pounds. These weight provisions, while relevant when the Standard was enacted in 1975 are no longer relevant. Paragraph S5.1 is amended to include vehicles that were formerly addressed in S5.2 and S5.3. Paragraph S5.4 is amended to delete an outdated reference to vehicles manufactured before April 1, 1977. Paragraph S5.5 is amended to delete an outdated reference to vehicles manufactured before September 1, 1976.

NHTSA finds good cause to make this amendment effective 30 days after publication of this document. This amendment makes minor changes to Standard No. 301.

NHTSA also finds for good cause that notice and an opportunity for comment on this document are unnecessary. This document does not impose any additional responsibilities on any manufacturer. Instead, this document simply removes outdated provisions and references in the standard.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." Further, this action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. This rule removes outdated portions of Standard 301 without changing any of the requirements in the standard. Because this rule does not affect any substantive requirement of

the fuel system integrity standard, its impacts are so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As noted above, this rule simply removes outdated portions of Standard 301. It has no effect whatsoever on the manufacture or sale of vehicles.

National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, 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, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending 49 CFR § 571.301, *Fuel System Integrity*, to read as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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. Section 571.301 is amended by revising S5.1, S5.4, and S5.5 and by removing and reserving S5.2 and S5.3 to read as follows:

§ 571.301 Standard No. 301, Fuel System Integrity.

* * * * *

S5. *General requirements.*
S5.1 *Passenger cars, and multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.* Each passenger car and each multipurpose passenger vehicle, truck, and bus with a GVWR of 10,000 pounds or less shall meet the requirements of S6.1 through S6.4. Each of these types of vehicles that is manufactured to use alcohol fuels shall also meet the requirements of S6.6.

S5.2 [Reserved]

S5.3 [Reserved]

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds shall meet the requirements of S6.5. Each schoolbus with a GVWR greater than 10,000 pounds that is manufactured to use alcohol fuels shall meet the requirements of S6.6.

S5.5 *Fuel Spillage: Barrier Crash.* Fuel spillage for each vehicle in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period, fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

Issued on: April 25, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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49 CFR Part 571

[Docket No. 93-02; Notice 13]

RIN 2127-AF79

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

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

ACTION: Final rule.

SUMMARY: In response to a request by the Aluminum Association, this document

amends the specifications in FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*, with respect to CNG containers made with aluminum alloys. The changes make FMVSS No. 304 consistent with the most recent voluntary standard issued by the aluminum industry.

DATES: Effective date: The amendments in this document become effective May 31, 1996.

Petitions for reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than June 17, 1996.

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

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Charles Hott, NPS-12, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202-366-0247).

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202-366-2992) (FAX 202-366-3820) (internet mshaw@nhtsa.dot.gov)

SUPPLEMENTARY INFORMATION:

I. Final Rule Establishing FMVSS No. 304

On September 26, 1994, NHTSA published a final rule addressing the safe performance of compressed natural gas (CNG) containers¹ (59 FR 49010). The final rule established a new Federal motor vehicle safety standard (FMVSS) FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*. The Standard specifies pressure cycling, burst, and bonfire tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers. In addition, the Standard specifies labeling requirements for CNG fuel containers. FMVSS No. 304 took effect on March 27, 1995.

FMVSS No. 304 is patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2. ANSI/NGV2 was

developed by the Natural Gas Vehicle Coalition. ANSI/NGV2 and FMVSS No. 304 specify detailed material and other requirements for different types of CNG containers, including those made with aluminum alloys. For each type of container, ANSI/NGV2 and FMVSS No. 304 specify a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. In addition, a container must meet the applicable material and manufacturing requirements as well as the burst test.

FMVSS No. 304 specifies certain material and manufacturing characteristics for aluminum containers using alloy 6010 and alloy 6061. The material characteristics specify the percentage of various elements, including magnesium, silicon, copper, and manganese. The specifications for the two aluminum alloys listed in FMVSS No. 304 were identical to the specifications set forth in ANSI/NGV2. In establishing the specifications applicable to aluminum alloys, the Natural Gas Vehicle Coalition relied on the *Aluminum Association Standards Data* document (Sixth Edition 1979).

On March 24, 1995, The Aluminum Association, Inc. (TAAI) submitted a letter to NHTSA, requesting several changes be made to FMVSS No. 304, with respect to specifications for aluminum alloys 6010 and 6061. TAAI stated that FMVSS No. 304 is inconsistent with the TAAI registered limits for materials used in these two aluminum alloys. That organization stated that because the 1979 document, on which the ANSI/NGV2 composition tables are based, has been superseded several times in recent years, the chemical compositions for aluminum alloys set forth in FMVSS No. 304 do not reflect the current compositions for these alloys, as accepted by the aluminum industry. TAAI provided a copy of the most recent document in which the industry aluminum alloy specifications are contained: *The Registration Record of Aluminum Association Designations and Chemical Composition Limits for Wrought Aluminum and Wrought Aluminum Alloys* (Revised December 1993).

On November 16, 1995, NHTSA published a notice of proposed rulemaking (NPRM) to amend FMVSS No. 304 to adopt the TAAI specifications for aluminum alloys used in CNG containers. (60 FR 57567) The proposed changes would make FMVSS No. 304 consistent with the most recent aluminum industry specifications for

those materials.² The agency requested comments about the appropriateness and safety implications of adopting TAAI's request.

NHTSA received one comment to the proposal. The commenter, NGV Systems, Inc. agreed with the proposed changes to FMVSS No. 304.

NHTSA has decided to amend FMVSS No. 304 with respect to the chemical compositions for aluminum alloys set forth in the Standard. By having FMVSS No. 304 reflect the current compositions for these alloys, as accepted by the aluminum industry, today's amendments will better ensure the safety of such containers.

As explained in the NPRM, the statute requires that each order (i.e., final rule) 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 concludes that there is good cause not to provide the 180 day lead time given that this amendment has no adverse effect on manufacturers or public safety. The rulemaking merely makes minor changes to the chemical compositions in FMVSS No. 304. Based on the above, the agency concludes that there is good cause for an effective date 30 days after publication of the final rule.

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 has no effect on costs or benefits, since the amendments adopt current industry specifications. The aluminum alloys 6010 and 6061 previously specified in FMVSS No. 304 had a slightly different composition than alloys manufactured in accordance with current specifications for these materials. TAAI did not identify, and NHTSA is not aware of, any safety problems such as reduced strength, durability or resistance to environmental hazards that might result from this difference in aluminum specifications for CNG containers. The potential costs, benefits, and other

¹ When used as a motor fuel, natural gas is stored on-board a vehicle in cylindrical containers at a pressure of approximately 20,684 kPa (3,000 psi). Among the terms used to describe CNG fuel containers are tanks, containers, cylinders, and high pressure vessels. The agency will refer to them as "containers" throughout this document.

² The agency already corrected the magnesium limits for alloy 6061 to the range of 0.80 to 1.20, based on a typographical correction provided by the American Gas Association. This was published on July 24, 1995, as part of a final rule on petitions for reconsideration on FMVSS No. 304 (60 FR 37836).

impacts of not adopting this petition cannot be quantified at this time.

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. CNG container manufacturers typically do not qualify as small entities. Further, as noted above, the changes have no more than a minimal impact on the costs or benefits associated with FMVSS No. 304. 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 rulemaking has insufficient Federalism implications to warrant preparation of a Federalism Assessment.

4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this rulemaking in accordance with the National Environmental Policy Act of 1969 and determined that the rulemaking will not significantly affect the human environment.

5. Civil Justice Reform

This rulemaking 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, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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. Section 571.304 is amended by revising S5.2.2 to read as follows:

§ 571.304 Standard No. 304, Compressed Natural Gas Fuel Container Integrity.

* * * * *

S5.2.2 *Aluminum containers and aluminum liners.* (Type 1, Type 2 and Type 3) shall be 6010 alloy, 6061 alloy, and T6 temper. The aluminum heat analysis shall be in conformance with one of the following grades:

TABLE TWO.—ALUMINUM HEAT ANALYSIS

Grade element	6010 alloy percent	6061 alloy percent
Magnesium	0.6 to 1.0	0.8 to 1.2.
Silicon	0.8 to 1.2	0.40 to 0.8.
Copper	0.15 to 0.6 ...	0.15 to 0.40.
Chromium	0.10 max	0.04 to 0.35.
Iron	0.50 max	0.7 max.
Titanium	0.10 max	0.15 max.
Manganese	0.20 to 0.8 ...	0.15 max.
Zinc	0.25 max	0.25 max.
Others, Each ¹	0.05 max	0.05 max.
Others, Total ^{1,2}	0.15 max	0.15 max.
Aluminum min...	Remainder...	Remainder.

¹ "Others" includes listed elements for which no specific limit is shown as well as unlisted metallic elements. The producer may analyze samples for trace elements not specified in the registration or specification. However, such analysis is not required and may not cover all metallic "other" elements. Should any analysis by the producer or purchaser establish that an "others" element exceeds the limit of "Each" or that the aggregate of several "others" elements exceeds the limit of "Total," the material shall be considered non-conforming.

² The sum of those "Others" metallic elements 0.010 percent or more each, expressed to the second decimal before determining the sum.

(Registration Record of Aluminum Association Designations and Chemical Composition Limits for Wrought Aluminum and Wrought Aluminum Alloys, The Aluminum Association, Inc. Rev. Dec. 1993)

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Issued on: April 25, 1996.

Ricardo Martinez,

Administrator.

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