

(f) Transferred to another Government agency. Deletion amounts that result from transfer of property to another Government agency.

(g) Purchased at cost/returned for credit. Deletion amounts due to contractor purchase or retention of contractor acquired property as provided in FAR 45.605-1; or to contractor returns to suppliers under FAR 45.605-2.

(h) Disposal through plant clearance process. Deletions other than transfers; i.e., donations to eligible recipients, sold at less than cost, or abandoned/directed destruction.

1845.7101-5 Contractor's privileged financial and business information.

If a transfer of property between contractors will involve disclosing costs of a proprietary nature, the contractor shall furnish unit prices only on those copies of the shipping documents that are sent to the shipping and receiving NASA installations. Transfer of the property to the receiving contractor shall be on a no-cost basis.

1845.7101-6 [Redesignated]

1845.7101-7, 1845.7101-8, 1845.7101-9 [Removed]

15.-16. Sections 1845.7101-7, 1845.7101-8, and 1845.7101-9 are removed.

1845.7101-10 [Redesignated]

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

17.-18. Section 1852.245-73 is revised to read as follows:

1852.245-73 Financial reporting of NASA property in the custody of contractors.

As prescribed in 1845.106-70(d), insert the following clause:

Financial Reporting of NASA Property in the Custody of Contractors
Sept. 1996

(a) The Contractor shall submit annually a NASA Form (NF) 1018, NASA Property in the Custody of Contractors, in accordance with 1845.505-14, the instructions on the form, and subpart 1845.71. Subcontractor use of NF 1018 is not required by this clause; however, the contractor shall include data on property in the possession of subcontractors in the annual NF 1018.

(b) If administration of this contract has been delegated to the Department of Defense, the original of NASA Form 1018 shall be submitted to the NASA installation Financial Management Officer and three copies shall be sent concurrently through the DOD Property Administrator to the NASA office identified below. If the contract is administered to NASA, the original of NF 1018 shall be submitted to the installation Financial

Management Officer, and three copies shall be sent concurrently to the following NASA office:

(Insert the address and office code of the organization within the cognizant NASA installation.)

(c) The annual reporting period shall be from October 1 of each year through September 30 of the following year. The report shall be submitted in time to be received by October 31. The information contained in these reports is entered into the NASA accounting system to reflect current asset values for agency financial statement purposes. Therefore, it is essential that required reports be received no later than October 31. The Contracting Officer may, in the Government's interest, withhold payment until a reserve not exceeding \$25,000 or 5 percent of the amount of the contract, whichever is less, has been set aside, if the Contractor fails to submit annual NF 1018 reports when due. Such reserve shall be withheld until the Contracting Officer has determined that the required reports have been received by the Government. The withholding of any amount or the subsequent payment thereof shall not be construed as a waiver of any Government right.

(d) A final report is required within 30 days after disposition of all property subject to reporting when the contract performance period is complete.

(End of clause)

1852.245-78 [Removed]

19. Section 1852.245-78 is removed.

PART 1853—FORMS

20. Section 1853.245(a) is revised to read as follows:

1853.245 Property (NASA Form 1018, Department of Defense Form 1342, and Department of Defense Form 1419).

(a) NASA Form 1018, NASA Property in the Custody of Contractors. NASA Form 1018, prescribed at 1845.505-14, shall be used by contractors for reporting Government-owned property.

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[FR Doc. 96-22372 Filed 9-5-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93-02; Notice 14]

RIN 2127-AF14

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Container Integrity

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

ACTION: Final rule, petitions for reconsideration.

SUMMARY: In response to petitions for reconsideration, this document amends certain labeling requirements in Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*. Specifically, this document modifies the labeling requirements with respect to the inspection interval and deletes reference to certain pamphlets. The amendments harmonize Standard No. 304 with voluntary industry and international standards, without any detriment to safety.

DATES: *Effective date:* The amendment in this document becomes effective December 2, 1996. Prior to December 2, 1996, a manufacturer is not required to comply with S7.4(g), which specifies a labeling requirement regarding container inspections and the appropriate interval between them.

Petitions for reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than October 21, 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, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For non legal issues: Mr. Charles Hott, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 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, SW., Washington, DC 20590 (202-366-2992).

SUPPLEMENTARY INFORMATION:

I. Regulatory Background

On September 26, 1994, NHTSA published a final rule establishing Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*. (59 FR 49021) In addition to container performance requirements, the Standard also specifies labeling requirements. Each CNG container manufacturer must permanently label each of its containers with the following information: (1) The statement that "If there is a question about the proper use, installation, or maintenance of this container, contact [CNG fuel container manufacturer's name, address, and telephone number]"; (2) the month and year in which the container was manufactured;

(3) the maximum service pressure; and
(4) the symbol "DOT," which represents the manufacturer's certification that the container complies with all the standard's requirements. Manufacturers have been required to label each CNG container manufactured on and after March 26, 1995, with this information.

On November 24, 1995, NHTSA published a final rule that amended S7.4 of Standard No. 304 to require CNG containers to be labeled with the following additional information:

(1) The container designation (Type 1, 2, 3, or 4),

(2) The statement "CNG ONLY,"

(3) The statement: "This container should be visually inspected after a motor vehicle accident or fire and at least every 12 months for damage and deterioration in accordance with the Compressed Gas Association (CGA) guidelines C-6 and C-6.1 for Type 1 containers and C-6.2 for Types 2, 3, and 4 containers."

(4) The statement: "Do Not Use After _____," inserting the year that is the 15th year beginning after the year in which the container is manufactured. (60 FR 57943)

In that final rule, NHTSA also amended the bonfire test requirements that evaluate pressure release and announced its decision to terminate rulemaking about additional performance requirements for CNG containers that the agency had proposed.

NHTSA received petitions for reconsideration from the American Automobile Manufacturers Association (AAMA), Ford, Consumers Gas, Powertech (a research and development laboratory), and CNG container manufacturers, including NGV Systems, Pressed Steel Tank (PST), and Lincoln Composites (Lincoln).

The petitioners requested changes to the labeling requirements and the bonfire test requirements in Standard No. 304. In today's final rule, the agency responds to issues associated with the labeling of CNG containers. The agency will respond to the petitions addressing the bonfire test at a later date. The agency believes that it is appropriate to respond to the petitions in two separate notices, given the need to provide guidance to manufacturers attempting to comply with the September 1, 1996 effective date for the labeling of new CNG containers.

II. Agency Decision on Container Labeling

A. Inspection Interval

NHTSA stated that a one-year interval for visual inspection of a container's

exterior reduces the possibility that damage caused by external factors would go undetected, a situation that could lead to container failure. Among the external factors that can damage a container are scratches and gouges and exposure to caustic substances and fluids such as acid, road salt, and gasoline. The agency based this earlier decision on a NGVC document recommending a one year inspection interval.¹

NHTSA received several petitions for reconsideration requesting that the container inspection interval be every 36 months instead of every 12 months. Lincoln, Powertech, PST, AAMA, Consumers Gas, and Ford believed that a 12-month inspection period was inappropriate. Lincoln, Powertech, PST, and AAMA stated that the soon-to-be-issued updated NGV standard recommended a 36-month inspection interval. These petitioners further stated that a 36-month inspection interval is specified in the Canadian standard and the draft ISO standard.

Consumers Gas stated that it has been operating natural gas powered vehicles for over ten years and have not had a problem with the integrity of vehicle containers. It visually inspects its containers every three years. The company believes that more frequent inspection would increase the possibility of damaging a container because the container must be removed from the vehicle for a thorough inspection. It also believed that an annual inspection would increase the risk of reducing the environmental coating on the outside of the container. Consumers Gas was also concerned about the costs associated with inspecting CNG fuel containers annually.

Powertech stated that all international inspection standards specify a 36-month interval between inspections. Based on its review of in-service ruptures of CNG containers since 1974, that company stated these failures would not have been prevented had a one year visual inspection been used.

Lincoln stated that its recently completed 12-month inspection program on 96 CNG vehicles in the Atlanta area showed no indication of unexpected damage² to the CNG fuel containers. Based on this field experience, Lincoln concluded that a 12-month inspection interval would provide little safety benefit. Lincoln

avored the adoption of a 36-month, 36,000 mile inspection requirement which would harmonize the U.S. requirement with the requirements of other standard-setting countries and organizations. Lincoln stated that a 12-month inspection requirement would not have prevented the two publicized container failures involving two different GM trucks because, in each case, the truck's container had sustained damage prior to installation.

AAMA stated that the 12-month interval for visual inspection requirement is inconsistent with other CNG container inspection requirements. That organization requested that the interval be revised to every 36 months or after an accident or fire for external damage and deterioration.

PST stated that the inspection interval should be 36-months with the manufacturer having the option of specifying shorter intervals based on the design and construction of the container.

Based on the available information, NHTSA has decided to amend S7.4 to require that each CNG container be visually inspected for damage or deterioration after a motor vehicle accident or fire and at least every 36 months or 36,000 miles, whichever comes first. Among the factors that can damage a container are scratches and gouges and exposure to caustic substances and fluids such as acid, road salt, and gasoline. The agency notes that the new inspection schedule is consistent with international and industry standards. Based on the comments, the agency believes that a 12-month, 12,000 mile inspection interval would provide little safety benefit to the vehicle owners. While visual inspection of a CNG container may detect some conditions that indicate a potential failure, the agency agrees with the petitioners that a 12 month, 12,000 mile inspection interval would be excessive. The agency notes that a 12-month inspection interval would not have prevented the two publicized GM container failures because they were caused by stress corrosion cracking which is internal to the container and therefore would not have been identifiable during a visual inspection of the container's exterior.

B. Inspection Pamphlets

In the November 1995 final rule, NHTSA stated that the regulation must reference inspection information about the in-use safety of CNG containers. The agency further stated that the current CGA pamphlets provide valuable inspection information to help assure

¹ NGVC is currently redrafting the voluntary industry standard to specify a 36 month inspection interval.

² Lincoln did not explain what it meant by the phrase "unexpected damage."

fuel container safety for Type 1, 2, and 3 containers.

PST and AAMA stated that referencing the CNG pamphlets on the container label is confusing and not beneficial. PST stated that a container's label should refer only to those CGA pamphlets that are relevant to that specific container. For example, a reference to pamphlet C-6.1 on a steel container could be confusing since that pamphlet is for aluminum containers. AAMA stated that the inspection procedures referenced in the pamphlets include inspections, such as interior and hydrostatic testing, that necessitate the removal of the CNG containers from the vehicle, and the use of specialized test equipment and personnel. AAMA stated that such testing is not needed to conduct a visual inspection, like the one specified by the CNG container label.

After further analyzing the available information, NHTSA has decided that it is inappropriate at this time to require reference to any of the CGA pamphlets on the container's label. As AAMA stated, it would be difficult for users to comply with the requirements in these pamphlets which direct an inspector to remove a CNG container. The agency further agrees with AAMA that the inspection procedures referenced in the CGA pamphlets may be confusing to a mechanic because it specifies that the CNG container be inspected by a container tester registered with the U.S. Department of Transportation or Canadian Transport Commission. NHTSA notes that the CNG container industry is in the process of revising the inspection pamphlets to clarify the reinspection interval for CNG containers used as vehicle fuel tanks.

C. Other Issues

PST stated that the minimum character size for the label should be reduced to $\frac{5}{32}$ inch because the added wording regarding the recommended periodic inspection of fuel containers would increase the label's size. PST stated that there is no functional need for the label to be legible for distances greater than a few feet. PST stated that larger labels are more costly and more difficult to apply on a CNG container, and that a smaller label can more easily conform to the surface for adhesion.

Lincoln does not agree that the cost of this rulemaking is solely the cost of the label. That manufacturer stated that the rulemaking's true cost should reflect the costs of implementing the change from a 36-month to 12-month inspection interval and that this would make this rulemaking significant.

NHTSA notes that the letter height requirements were addressed in the

final rule published July 24, 1995. In that rulemaking, the agency changed the letter height requirement from 12.7 mm (0.50 inch) to 6.35 mm (0.25 inch) which was consistent with the comments from Chrysler and Structural Composite Industries. The agency stated in that rulemaking that it would be inappropriate to reduce the letter height even more because the lettering would be too small to be visible at various locations on CNG vehicles. The agency notes that these issues have already been addressed in both the July 24, 1995 final rule and in the November 24, 1995 final rule. Since PST did not provide any new information on label content or the letter height requirement to justify a change, NHTSA is not making any change.

NHTSA notes that today's amendment of Standard No. 304 with respect to the labeling requirement render moot Lincoln's concerns about the added costs associated with an annual inspection interval.

III. Rulemaking Analyses and Notices

A. Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's 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 "nonsignificant" under the Department of Transportation's regulatory policies and procedures. The agency has not prepared a Final Regulatory Evaluation (FRE) because the impacts of these amendments are so minimal as not to warrant preparation of a full regulatory evaluation. The amendments made in today's final rule are requirements related to the labeling of CNG vehicles and containers, and as such do not result in significant increases in cost. In the FRE for Standard No. 304, the agency stated "The consumer cost for a label on each CNG fuel container certifying that the container meets the proposed equipment requirements is estimated to be in the range of \$0.06 to \$0.11 per label. This includes the cost of the label plus labor costs for attachment." The changes made by this final rule do not change that estimate.

B. Regulatory Flexibility Act

NHTSA has also considered the effects of this rulemaking action under the Regulatory Flexibility Act. Based upon the agency's evaluation, I certify

that this rule will not have a significant economic impact on a substantial number of small entities. As noted above, the amendments will result in only a very nominal cost increase resulting from adding the additional labeling information. Further, information available to the agency indicates that businesses manufacturing CNG fuel containers are not small businesses.

C. Executive Order 12612 (Federalism)

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of this rule. The agency has determined that this rule will have no adverse impact on the quality of the human environment.

E. Civil Justice Reform

This rulemaking does 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 Standard No. 304; *Compressed Natural Gas Fuel Container Integrity*, part 571 at 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. Section 571.304 is amended by revising S7.4(g) to read as follows:

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

* * * * *

S7.4 * * *

(g) The statement: "This container should be visually inspected after a motor vehicle accident or fire and at least every 36 months or 36,000 miles, whichever comes first, for damage and deterioration.

* * * * *

Issued on: August 30, 1996.

Donald C. Bischoff,

Executive Director.

[FR Doc. 96-22762 Filed 9-5-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 951227306-5306-01; I.D. 082996C]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces further restrictions to the Pacific Coast groundfish fisheries for widow rockfish and yellowtail rockfish. These actions are authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. These restrictions are intended to keep landings as close as possible to the 1996 harvest guidelines for these species.

DATES: Effective from 0001 hours (local time) September 1, 1996, until the effective date of the 1997 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the Federal Register. Comments will be accepted through September 23, 1996.

ADDRESSES: Submit comments to William Stelle, Jr., Director, Northwest Region (Regional Director), National Marine Fisheries Service, 7600 Sand

Point Way NE., BIN-C15700, Seattle, WA 98115-0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION: The following changes to routine management measures for widow and yellowtail rockfishes were recommended by the Pacific Fishery Management Council (Council), in consultation with the States of Washington, Oregon, and California, at its August 21-23, 1996, meeting in Portland, OR.

Widow rockfish. Widow rockfish currently are managed under a 2-month cumulative trip limit of 70,000 lb (31,752 kg). The best available information at the August 1996 Council meeting indicated that 3,426 mt of widow rockfish had been taken through July 31, 1996, and that the 6,500-mt harvest guideline would be reached by mid-November 1996, if the rate of landings is not slowed. The Council recommended that the 2-month cumulative trip limit for widow rockfish be reduced in September-October 1996 from 70,000 lb (31,752 kg) to 50,000 lb (22,680 kg) coastwide to keep landings within the harvest guideline in 1996. The Council also recommended reverting to 1-month cumulative trip limits of 25,000 lb (11,340 kg) during November and December 1996 to provide greater flexibility managing this species at the end of the year. If landings are not sufficiently curtailed, trip limits may be reduced further, or landings prohibited, in November and/or December 1996.

Yellowtail rockfish. Yellowtail rockfish is one component of the *Sebastes* complex, and is managed with different harvest guidelines and trip limits north and south of Cape Lookout, OR (45°20'15" N. lat.). South of Cape Mendocino, CA (40°30' N. lat.) there is no specific harvest guideline or trip limit for yellowtail rockfish, other than the overall limit for the *Sebastes* complex. The northern harvest guideline for yellowtail rockfish (which includes the U.S. portion of the Vancouver area plus the Columbia area north of Cape Lookout) is 3,590 mt, and the southern harvest guideline (for the Columbia area south of Cape Lookout plus the Eureka area) is 2,580 mt.

The best available information at the August 1996 Council meeting indicated that 2,139 mt of yellowtail rockfish had been taken north of Cape Lookout

through July 31, 1996, and that the 3,590-mt harvest guideline for this area would be reached by late October or early November if the rate of landings is not slowed. The Council recommended an immediate reduction in the 2-month cumulative trip limit, from 32,000 lb (14,515 kg) to 20,000 lb (9,072 kg) for yellowtail rockfish north of Cape Lookout in September-October 1996. In addition, as for widow rockfish, the Council recommended reverting to 1-month cumulative trip limits, that are half the 2-month cumulative trip limits, during November and December 1996 to provide greater flexibility managing this species at the end of the year. The 1-month cumulative trip limits also apply to the *Sebastes* complex and canary rockfish, another major component of the complex, north of Cape Mendocino, for consistency with the limits for yellowtail rockfish. Consistency is necessary to accommodate special provisions implemented by the States of Oregon and Washington that enable fishers to operate on both sides of Cape Lookout and keep the larger, southern limit for yellowtail rockfish and the *Sebastes* complex. These provisions would be impossible to implement if a 1-month limit applied north of the line and a 2-month limit applied south. If landings are not sufficiently curtailed, trip limits may be reduced further, or landings prohibited, in November and/or December 1996.

At its October 1996 meeting, the Council will review the progress of these and other groundfish fisheries and may recommend changes to the limits announced herein. Any changes approved by NMFS will be announced in the Federal Register.

NMFS action. NMFS concurs with the Council's recommendations, which are intended to keep landings of widow rockfish and yellowtail rockfish within their 1996 harvest guidelines.

The 60-percent monthly limits in the limited entry fishery apply only in conjunction with 2-month cumulative trip limits, and therefore are not a part of the 1-month cumulative trip limits established for November and December 1996.

The trip limit changes apply to both the limited entry and open access fisheries, including exempt trawl gear used to harvest pink shrimp and prawns. In addition, as stated in the annual management measures at 61 FR 279 (January 4, 1996), "A vessel operating in the open access fishery must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery; or for the same gear and/or subarea in the limited entry fishery; or, in any calendar month, 50