

closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

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

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

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

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

1. The authority citation for part 571 would continue 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 571.204 would be amended by revising S2 to read as follows:

#### **§ 571.204 Standard No. 204; Steering control rearward displacement.**

\* \* \* \* \*

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses. However it does not apply to vehicles that conform to the frontal barrier crash protection requirement (S5.1) of Standard No. 208 (49 CFR 571.208) by means of an inflatable restraint system. It also does not apply to walk-in vans.

\* \* \* \* \*

Issued on November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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#### **49 CFR Part 571**

[Docket No. 93-02; Notice 11]

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:** Notice of proposed rulemaking.

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

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

**DATES:** Comments must be received on or before January 2, 1996.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues: Mr. Samuel Daniel, NPS-01.01, Special Projects Staff, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202-366-4921) (FAX 202-366-4329).

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 (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) containers<sup>1</sup> (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

<sup>1</sup> 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.

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 patterned after 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 which are used to make CNG fuel containers. 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 FMVSS No. 304 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).

The discrepancies between the 1993 Registration Record and FMVSS No. 304 are as follows:

Alloy 6010:

\*Chromium is shown in FMVSS No. 304 as an alloying element, as opposed to an impurity which it is, with a 0.05% minimum limit as well as the proper maximum limit of 0.10%

\*Limits are defined for both Bismuth (0.003% maximum) and lead (0.003% maximum). These individual elements are properly covered or included in "Others Each" in TAAI's registration.

\*Magnesium, silicon, copper, and manganese limits are shown to two decimal places, instead of one, for levels greater than 0.55%.

#### Alloy 6061

\*Magnesium limits are specified in FMVSS No. 304 as 0.60 to 1.20%, as opposed to TAAI registered limits of 0.8 to 1.2%.

\*Limits are defined for both bismuth (0.003%) and Lead (0.003%). These individual elements are properly covered in "Others Each" in TAAI's registration.

\*Magnesium, silicon, and iron limits are all properly covered to two decimal places, instead of one, for levels greater than 0.55%.

After reviewing the information supplied by TAAI, NHTSA has decided to propose amending FMVSS No. 304 with respect to the aluminum alloy specifications for CNG containers. The proposed changes, if adopted, would make FMVSS No. 304 consistent with the most recent aluminum industry specifications for those materials.<sup>2</sup> The agency requests comments about the appropriateness and safety implications of adopting TAAI's request.

#### Leadtime

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 has tentatively concluded that there would be good cause not to provide the 180 day lead time given that this amendment would have no adverse effect on manufacturers. The proposal merely proposes minor changes to the chemical compositions in FMVSS No. 304. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more lead time is necessary.

<sup>2</sup>The agency has 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).

#### Rulemaking Analyses and Notices

##### 1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal 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, if adopted, would have no effect on costs or benefits, since the proposal adopts current industry specifications. The aluminum alloys 6010 and 6061 specified in FMVSS No. 304 have a slightly different composition than alloys manufactured in accordance with current specifications for these materials. TAAI did not identify 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 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 proposed amendment would not have a significant economic impact on a substantial number of small entities. CNG container manufacturers typically would not qualify as small entities. Further, as noted above, the proposed changes would not have 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 proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

##### 4. National Environmental Policy Act

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

##### 5. Civil Justice Reform

This proposed rule would 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.

##### Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

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 proposes to amend 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 would continue 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 would be 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

(a) "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.

(b) The sum of those "Others" metallic elements 0.10 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: November 13, 1995.

Barry Felrice,  
Associate Administrator for Safety Performance Standards.

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