By the Commission.

Joseph C. Polking,

Secretary.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93–02; Notice 12]

RIN 2127–AF14

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

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

ACTION: Final rule.

SUMMARY: This document amends Standard No. 303, *Fuel System Integrity of Compressed Natural Gas Vehicles*, and Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*. It allows any appropriate fuel to be used for the bonfire test for compressed natural gas (CNG) containers and adds new labeling requirements for CNG vehicles and containers. This document also announces and explains the agency's decision to terminate rulemaking about additional performance requirements for CNG containers that the agency had proposed. Rulemaking may be resumed once revisions to the current voluntary industry standard for CNG containers are completed.

DATES: Effective date: The amendments in this document become effective September 1, 1996.

Petitions for reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than December 26, 1995.

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. Gary R. Woodford, NRM–01.01, Special Projects Staff, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202–366–4931 or 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 (202–366–2992).

SUPPLEMENTARY INFORMATION:

I. Previous Agency Rulemakings
II. Comments to SNPRM
III. Agency Decision to Adopt Additional Labeling Requirements
A. Overview of Labeling Amendments
B. Vehicle Labeling
C. Container Labeling
1. Labeling Information
2. Labeling Character Size
3. Labeling Location
4. Other Container Label Issues
IV. Agency Decision to Amend the Bonfire Test
V. Agency Decision to Terminate Rulemaking to Adopt Additional Performance Requirements
VI. Other Container Issues
A. Reports by Manufacturers
B. Aluminum Containers
VII. Rulemaking Analysis and Notices

I. Previous Agency Rulemakings

NHTSA has recently established two Federal motor vehicle safety standards (FMVSSs) that affect motor vehicles fueled by compressed natural gas (CNG). On April 25, 1994, the agency published a final rule establishing Standard No. 303, *Fuel System Integrity of Compressed Natural Gas Vehicles*, which specifies tests and performance requirements for the fuel system of vehicles fueled by CNG. (59 FR 19648) On September 26, 1994, the agency published a final rule establishing Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*, which specifies tests and performance requirements applicable to a CNG fuel container's durability, strength, and pressure relief. (59 FR 49010) The September 1994 final rule also specifies labeling requirements for CNG fuel containers. The CNG container requirements are based on specifications in ANSI/NGV2, a voluntary industry standard addressing CNG fuel containers which was adopted by the American National Standards Institute (ANSI). [1]

ANSI/NGV2 specifies four types of container designs. A Type 1 container is a metallic noncomposite container. A Type 2 container is a metallic liner over which an overwrap such as carbon fiber or fiberglass is applied in a hoop wrapped pattern over the liner's cylinder wall. A Type 3 container is a metallic liner over which an overwrap, such as carbon fiber or fiberglass, is applied in a full wrapped pattern over the entire liner, including the domes. A Type 4 container is a non-metallic liner over which an overwrap, such as carbon fiber or fiberglass, is applied in a full wrapped pattern over the entire liner, including the domes.

On December 19, 1994, NHTSA published a supplemental notice of proposed rulemaking (SNPRM) to propose new labeling requirements applicable to CNG vehicles and additional ones for CNG containers. (59 FR 65299) Along with a proposal to modify the bonfire test which evaluates pressure relief, the agency also proposed additional performance requirements and tests to evaluate a CNG container's structural integrity. Among the proposed tests were environmental cycling tests, a low temperature impact test, a gunfire test, a flaw tolerance test, a pendulum impact test, and a drop test. Each of the proposed performance requirements and test procedures were modeled after provisions in ANSI/NGV2 or are similar to those requirements. The agency tentatively concluded that modeling the Federal standard after ANSI/NGV2 would be the best available way to regulate how a CNG container reacts to such conditions as corrosive substances, temperature extremes, external damage, and high energy impact.

II. Comments on the SNPRM

Fourteen commenters responded to the December 1994 SNPRM. The commenters included vehicle manufacturers (Ford and Navistar); CNG container manufacturers (EDO, Brunswick, Structural Composites Industries (SCI) and NGV Systems); trade associations interested in alternative fueled vehicles (the American Automobile Manufacturers Association (AAMA), the American Gas Association/Natural Gas Vehicle Coalition (AGA/NGVC) and the Compressed Gas Association (CGA)); and other organizations including Washington Gas, Taylor-Wharton Gas Equipment Division (Taylor-Wharton), Minnegasco, Toho Carbon Fibers, Inc. (Toho) and Futuretech Consultants (Futuretech).

The commenters generally had reservations about adopting the performance requirements since the CNG industry is currently revising ANSI/NGV2. They urged that the agency wait until the industry completes its revision. In addition, the commenters generally supported the specific labeling requirements but had reservations about various aspects of the proposed performance requirements.

[1] NGV2 was developed by an industry working group that included container manufacturers, CNG users, and utilities.

III. Agency Decision To Adopt Additional Labeling Requirements

A. Overview of Labeling Requirements

NHTSA has decided to amend FMVSS No. 303 and FMVSS No. 304 with respect to labeling CNG vehicles and containers. With respect to CNG vehicles, the agency has decided to require such vehicles to be labeled with information about the CNG container's service pressure and a statement about container inspection and service life. With respect to CNG containers, the agency has decided to require such containers to be labeled with the container type (e.g., Type 2), the statement ''CNG only,'' information about container inspection, and container service life.

B. Vehicle Labeling

The April 1994 CNG vehicle final rule did not specify requirements for the labeling of CNG fueled vehicles. In the SNPRM, the agency proposed to amend FMVSS No. 303 to include two items of information:

S5.3.1 The statement: ''Maximum service pressure _____ kPa (_____ psig).''

S5.3.2 The statement ''See instructions on fuel container for inspection and service life.''

The agency believed that the first item of information would help assure that CNG containers are not overfilled during refueling. The second item's purpose is to assure that vehicle owners and operators are informed about container inspection. In addition, the agency proposed that, for vehicles manufactured or converted prior to the first sale to the consumer, the manufacturer provide this information in writing to the consumer, either in the owner's manual or in a one page statement. The agency requested comments about the need for vehicle labeling and written information bearing this and other information.

AAMA, AGA/NGVC, SCI, Ford, and Minnegasco addressed the issue of vehicle labeling. AAMA, AGA/NGVC and SCI supported the proposed requirements. Ford's comments are somewhat contradictory in that it supports and participated in the preparation of AAMA's comments, but stated that it believes rulemaking on FMVSS No. 303 and FMVSS No. 304 is premature at this time since NGV2 is currently being upgraded.

NHTSA has decided to amend FMVSS No. 303 to include the vehicle labeling requirements that were proposed in the SNPRM for the reasons set forth in that document. The only exception is that instead of specifying ''maximum service pressure'' on the label, ''service pressure'' will be specified. This is consistent with the CNG container label. The rationale for this is discussed in section III.C.4 of this notice. With respect to Ford's comment, the agency notes that it is delaying rulemaking on the proposed amendments that address CNG containers. Since AGA/NGVC is revising NGV2 with respect to CNG containers and not vehicles, the agency believes that it is appropriate to adopt the amendments about the labeling of CNG vehicles.

C. CNG Containers

1. Labeling Information

In the September 1994 final rule, NHTSA decided to require that a CNG container manufacturer certify that each of its containers complies with the equipment requirements by permanently labeling the container 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 that the container was manufactured; (3) the maximum service pressure; and (4) the symbol ''DOT'' which certifies that the container complies with all the standard's requirements. The agency stated that labeling the container would provide vehicle manufacturers and consumers with assurance that they are purchasing containers that comply with the Federal safety standards. In addition, the agency believed that the requirement facilitates the agency's enforcement efforts by providing a ready means of identifying the container and its manufacturer. NHTSA further stated that it planned to propose additional labeling requirements patterned after ANSI/NGV2. The agency explained that it could not require these additional items of information at that time, since such information had not been proposed.

In the SNPRM, NHTSA proposed to amend S7.4 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 36 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.

NHTSA stated that it would be in the interest of motor vehicle safety to add this information to the CNG container label. The agency requested comments about the need for each of these proposed items of information and alternative ways to specify this information.

NHTSA stated in the SNPRM that adding information about container type, e.g., Type 1, 2, 3 or 4, would be consistent with the agency's decision to adopt NGV2's manufacturing and material specifications in the CNG final rule. For instance, such information would facilitate oversight of compliance tests, since each type of container is required to undergo a hydrostatic burst test at a safety factor that varies according to container type.

NHTSA has decided to require that CNG containers be labeled with this information, for the reasons set forth in the SNPRM. The agency received no comments addressing whether CNG containers should be labeled with information about the container type.

NHTSA stated in the SNPRM that adding the phrase ''CNG ONLY'' would assure that CNG containers are used only for CNG and are not used for other fuels for which the containers were not designed, such as liquefied petroleum gas (LPG).

NHTSA has decided to require that CNG containers be labeled with this information, for the reasons set forth in the SNPRM. The agency received no comments addressing whether CNG containers should be labeled with the phrase ''CNG Only.''

NHTSA stated in the SNPRM that adding information about conducting periodic inspections in accordance with CGA pamphlets would help assure the safe use of CNG containers. The agency noted that the proposed requirement is consistent with ANSI/NGV2's guidelines for visual inspection of CNG containers after an accident or every 36 months. NHTSA sought comments about what the most appropriate interval would be and whether both a time interval and a mileage inspection interval should be specified.

CGA, SCI, and Brunswick addressed the specific pamphlets referenced in the proposed labeling requirement. CGA and SCI stated that CGA pamphlet C–6.2 does not address Type 4 containers. CGA and SCI also stated that the agency should refer to pamphlet C–6.4, which

is being developed by the industry and is expected to address Type 2, 3, and 4 containers. Brunswick indicated that the agency should reevaluate the referenced CGA pamphlets, since they relate to CNG containers used in transport rather than CNG containers used to fuel motor vehicles.

NHTSA has decided to adopt a reference to the CGA C–6, C–6.1, and C–6.2 cylinder publications. The agency believes that the final rule must reference inspection information about the in-use safety of CNG containers. The agency believes that the current CGA pamphlets provide valuable inspection information to help assure fuel container safety for Type 1, 2, and 3 containers.[2] However, since the current CGA pamphlets do not apply to Type 4 containers, the agency believes that the label should not reference Type 4 containers. A representative of CGA has informed the agency that pamphlet C–6.4 should be completed this year. When that pamphlet is completed, the agency plans to propose modifying the standard to reference it.

Ford and Navistar addressed the issue of inspection interval. Ford recommended that the inspection statement include both time and mileage intervals, but did not specify the intervals. Navistar supported a regular container inspection interval of one year for exterior damage as well as inspection after an accident. In addition to visual inspection, Navistar recommended that each container undergo acoustic emission inspection and that containers not be removed from the vehicle or be over-pressurized, since these are actions that can reduce a container's life. Navistar did not state whether labeling should be required to indicate that an acoustic emission inspection should be done. Navistar also suggested that the Federal Highway Administration (FHWA) require periodic inspection of CNG fuel containers used for commercial vehicles.

NHTSA agrees with Navistar's recommendation to specify a one year inspection interval. A one year time interval reduces the possibility that damage caused by external factors would go undetected, a situation that could lead to container failure. This time interval is also consistent with the Natural Gas Vehicle Coalition's document titled ''Natural Gas Vehicle Inspection Program,'' (1994), which recommended a visual container inspection interval of one year. NHTSA also agrees with Ford's recommendation that the inspection interval include both a time and a mileage component because apart from time, mileage exposure could be a factor in leading to premature container failure due to exterior damage. A 12 month or 12,000 mile interval is consistent with the recommended interval for many motor vehicle warranties and routine maintenance items. Based on the above considerations, the agency has decided to require that the container label specify inspection intervals of 12 months or 12,000 miles.

NHTSA believes that it would be inappropriate now to require the label to address acoustic emission testing. Such testing is still in its development phase. In response to Navistar's suggestion to have the FHWA inspect CNG containers on commercial vehicles, NHTSA has forwarded these comments to FHWA which will evaluate the merits of this recommendation.

Minnegasco stated that while providing information about the appropriate time interval for inspection is necessary, ''properly using this information is non-enforceable or impractical'' for several reasons. It stated that preventive maintenance is not performed on most public vehicles. It also stated that this requirement assumes that the tanks are installed so that everyone has access to copies of and understands the visual inspection criteria in the referenced CGA documents and that the failure modes can be visually detected before failure.

NHTSA agrees with Minnegasco that a time interval for inspection is necessary, since it informs vehicle owners and operators about important safety information on container inspection. While Minnegasco's concerns may be justified in the case of some vehicle owners, many others will benefit from this information. Accordingly, the agency has decided to require the label to contain information about inspections.

NHTSA proposed requiring information about the container's service life in the belief that the vehicle owner should remove a CNG container from service after its design service life expires. As commenters on the NPRM stated, this is especially important since there is a finite period during which CNG containers can be used safely. The agency proposed 15 years because CNG containers built to follow ANSI/NGV2 have a design service life of 15 years. Nevertheless, the agency stated that it would allow a manufacturer to specify the service life length appropriate to its particular containers, since containers may be built for a service life other than 15 years.

SCI, Brunswick, and AAMA commented about labeling a container with information about its service life. SCI and Brunswick recommended that the expiration month as well as the year be included in this statement. Brunswick stated that the revised ANSI/NGV2 document is proposing that containers be designed for a 20 year life. AAMA suggested that additional enforcement steps may be needed for users least likely to heed inspection and service life requirements, such as making vehicle registration contingent upon container inspection.

NHTSA has decided that the CNG container label should include the following statements about service life:

S7.4(h) The statement: ''Do Not Use After _____/_____,'' inserting the month and year to reflect the end of the manufacturer's recommended service life for the container.

This requirement is consistent with the request by SCI and Brunswick to include the expiration month and year on the label. This will enhance vehicle safety by further increasing the likelihood that containers do not remain in service beyond their useful life. NHTSA has decided not to adopt the SNPRM's proposal to specify a service life of 15 years. Instead, the length of a container's recommended service life will be left to the container manufacturer's discretion.

As for AAMA's comment on vehicle registration, NHTSA does not have jurisdiction over this matter, which is a State function. If the AAMA wishes to pursue this matter, it should contact appropriate State authorities.

2. Label Character Size

The SNPRM proposed that the characters on the container label be at least 12.7 mm (½ inch) in height. This is the same as the lettering height that had been specified in the final rule establishing FMVSS No. 304 container label requirements.

AAMA, Ford, CGA, SCI, and Brunswick commented that the proposed lettering height is too large and recommended a smaller size. They were concerned that the ½ inch minimum character height requirement would result in unreasonably large labels that may wrap around small diameter containers. Commenters recommended lettering heights of 3⁄16 inch, ¼ inch, and 3 to 6 mm. Brunswick recommended that the label statements ''CNG Only'' and ''Do Not Use After _____'' should be in ½ inch

[2] With respect to Brunswick's comment, NHTSA acknowledges that there is a difference between CNG containers used in transport and those used to fuel motor vehicles. Nevertheless, the agency believes that there are enough important similarities between the types of containers to warrant providing this safety information.

characters but the other label statements should be smaller.

NHTSA recently addressed the issue of letter height in its notice responding to petitions for reconsideration of the label statement requirements in the final rule establishing FMVSS No. 304. (60 FR 37836; July 24, 1995) Several petitioners had requested that the label letter height of 12.7 mm (½ inch) be reduced. In the July 1995 notice, the agency decided to reduce the lettering height to 6.35 mm (¼ inch), which is more consistent with the label letter height recommended by commenters to the SNPRM. Since the agency continues to believe that this lettering size is appropriate, the agency has decided not to change the decision announced in the July 1995 notice which will help prevent oversized labels. The agency sees no reason to follow Brunswick's recommendation to highlight certain lettering with letters of larger size. Brunswick provided no rationale. The agency believes that none of the label information is of significantly greater importance than the other information.

3. Label Location

In the SNPRM, NHTSA proposed that the container label be located within 30.5 cm (12 inches) of the end of the container containing the fuel outlet valve.

SCI recommended that the location of the label on the container be left up to the container and vehicle manufacturer's discretion, or if this is not acceptable, that the label be centered on the longitudinal axis of the container where it would be least likely to be obscured by container mounting hardware. SCI stated that a label that is mounted within 12 inches of the outlet valve will most likely be obscured by container mounting hardware, or be on the curved section of long containers where mounting could be difficult. SCI also recommended that a duplicate label be located 180 degrees around the container to ensure one of the labels would be visible regardless of container orientation.

NHTSA has decided not to adopt the requirement in the SNPRM regarding container label location so as to allow container manufacturers to mount the labels in the location where they will be most likely to be visible. The agency believes that in most cases, container manufacturers will be familiar with the configurations in which their containers are installed and will therefore be able to best determine the location on their containers that will provide the best visibility when mounted on vehicles. In addition, manufacturers have the option to follow SCI's suggestion of placing a duplicate label on the opposite side of the container to improve its visibility. Allowing the manufacturer to choose the mounting location should avoid compelling the mounting of labels on a section of the container where permanent mounting of the label could be difficult because the container's radius is changing along the longitudinal axis. NHTSA encourages CNG vehicle manufacturers and fuel system installers to mount CNG containers in such a manner that the label is plainly visible without having to remove it from the vehicle.

4. Other Container Label Issues

The SNPRM stated that each CNG fuel container would be required to be ''permanently'' labeled. Also, the label would be required to include the ''DOT'' symbol, which would constitute a certification by the container manufacturer that the container complies with all requirements of this standard.

SCI requested that the term ''permanent,'' as associated with fuel container labeling, be defined. SCI further stated that the ''DOT'' symbol without additional information is not meaningful, and suggested that the symbol be expanded to include the Standard number and the month and year of the Standard's effective date.

SCI, Ford, and Brunswick also commented that the word ''maximum'' in the FMVSS 304 label requirement for ''maximum service pressure'' could be confusing to vehicle operators since it is not commonly used in the industry, and urged that it be eliminated. The ANSI/NGV2 standard requires that the label include ''service pressure'' without the word ''maximum.''

NHTSA notes that each of these issues were also raised in the petitions for reconsideration to the final rule establishing FMVSS No. 304 and were addressed in the agency's recently published notice responding to the petitions. With respect to permanency, NHTSA explained in the notice that this term is intended to mean that ''the label should remain in place and be legible for the manufacturer's recommended life of the container.'' With respect to references to ''maximum service pressure,'' the agency decided to specify ''service pressure'' on the container label to reduce confusion. With respect to the ''DOT'' symbol, the agency decided not to expand the symbol. This decision is consistent with the symbol's use in other Federal motor vehicle safety standards for items of motor vehicle equipment. The reader should refer to that notice for a complete discussion of these issues.

In commenting on ''maximum service pressure,'' Brunswick stated that the industry standard for units of pressure measurement is ''bar'' rather than ''kPa'' with ''psig'' as the alternate. FMVSS 304 currently specifies service pressure in units of kPa (psig).

NHTSA notes that ''kPa'' rather than ''bar'' is specified in FMVSS No. 304 because the agency has decided to use kPa for the metric fluid pressure measurement unit in all its safety regulations. Manufacturers are free to add the term ''bar'' if they so desire.

IV. Agency Decision To Amend the Bonfire Test

In the September 1994 final rule, NHTSA decided to specify that No. 2 diesel fuel be used to generate the fire in the bonfire test. As an interim measure, the agency specified No. 2 diesel fuel, despite knowledge that there are environmental problems associated with this type of fuel. The agency stated that it would study whether other fuels could be used for the bonfire test.

In the SNPRM, NHTSA decided to propose amending the bonfire test conditions to allow alternative types of fuel. Specifically, the agency proposed that the bonfire test could be conducted with any fuel that generates a flame temperature equivalent to that of No. 2 diesel fuel (i.e., any fuel that generates a flame temperature of 850 to 900 degrees C). NHTSA requested comments about the appropriateness of using flame temperature to define equivalence among fuel types.

Commenters addressing the issue of bonfire fuel generally supported the proposal. EDO and Brunswick favored allowing any fuel as long as the specified temperature is maintained. Ford commented that the proposal was appropriate, provided that the flame characteristics of different fuels are similar. AGA/NGVC also supported the proposal.

NHTSA has decided to amend section S8.3.6 to allow the bonfire test to be generated by any fuel that generates a flame temperature between 850 and 900 degrees C for the duration of the test. As discussed in the SNPRM, this modification will provide greater flexibility to those conducting the bonfire test. Moreover, it will eliminate the provision requiring the use of a fuel that poses significant environmental problems.

V. Agency's Decision To Terminate Rulemaking To Adopt Additional Performance Requirements

Most commenters requested that the agency delay adopting additional performance requirements for CNG

containers until the industry completes revisions to its current voluntary standard for CNG containers, i.e., ANSI/NGV2, August 1992. The industry is revising and upgrading this standard in an effort to make it more performance based and to harmonize it with the Canadian Standards Association (CSA) standard for CNG fuel containers, B51—Part 2. The revisions are also intended to address additional safety concerns, particularly the failure of two CNG containers on General Motors pickup trucks which occurred in 1994. The commenters stated that these revisions, which will result in significant changes to the current industry standard, are expected to be completed this year.

Similarly, NHTSA received eleven petitions for reconsideration to the September 1994 final rule requesting that the agency delay further rulemaking until the industry completes its current revisions to ANSI/NGV2. The petitioners were Brooklyn Union Gas Company, CGA, Dual Fuel, Inc., Econogas Fleet Systems, Hercules Aerospace Company, AGA/NGVC, Public Service Electric and Gas Company, Natural Gas Pipeline Company of America, Southwest Research Institute, Washington Gas, and The Car Doctor, Inc.

NHTSA has decided to terminate further rulemaking on CNG container performance requirements since the agency anticipates that the new ANSI/NGV2 will be more performance oriented than the existing one on which the SNPRM was based. In addition, waiting until the industry completes its revisions will be consistent with international harmonization since the revisions are expected to make the standard more consistent with the Canadian standard on CNG containers. Waiting until the industry completes its revisions is also consistent with the President's directive on regulatory reform and the agency's efforts to implement that directive.

Once the industry's revisions are completed, the agency will evaluate the revisions and then propose their adoption, as appropriate. The agency believes that in the interim, the safety of CNG containers will not be significantly compromised by not adopting the additional performance requirements. Information gathered by the agency during the development of FMVSS No. 304 indicates that all container manufacturers that commented on the NPRM were either certifying or building their containers to meet the provisions of ANSI/NGV2, including those on which the supplemental performance requirements were based. Further, in its comments to this SNPRM, AAMA stated that available CNG containers already meet the ANSI/NGV2 requirements.

VI. Other Container Issues

A. Reports by Manufacturers

SCI requested that the agency add a requirement to FMVSS No. 304 mandating that container manufacturers report to NHTSA accidents involving their products. SCI stated that this would be similar to the requirement included in DOT exemptions issued by RSPA. SCI also requested that the agency explain its enforcement authority.

NHTSA has no authority to require manufacturers to report accidents involving its products. The agency, through its defect authority, can investigate such accidents to the fullest detail. In addition, NHTSA makes available to manufacturers its enforcement procedures for FMVSSs.

B. Aluminum Containers

FMVSS No. 304 requires that CNG containers be manufactured from materials specified in the standard. Two aluminum alloys are specified in the standard for fuel containers: 6010 and 6061. The Northwest Aluminum Company and Luxfer have petitioned the agency to amend the standard by adding two more aluminums. Northwest requested that alloy 6069 be added to the standard, and Luxfer requested an unspecified aluminum alloy from the 7000 series be included.

NHTSA has decided to delay rulemaking activities on these petitions until it can review the soon-to-be completed new version of the industry standard, ANSI/NGV2. As Luxfer noted in its petition, the new ANSI/NGV2 requirements for CNG fuel containers will be more performance oriented than the current version of the standard. It is possible that the new industry standard will not specify CNG container materials, thereby allowing manufacturers considerably more flexibility to improve container designs with respect to cost and performance. The agency notes that adopting some of the requirements of the new ANSI/NGV2 standard may eliminate the need to add the two new aluminum alloys to the current version of FMVSS No. 304.

VII. 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 decided not to prepare 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 FMVSS 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.'' This continues to be the case.

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. The amendments will result in only a nominal cost increase resulting from costs associated with requiring some additional labeling information. 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. Allowing optional fuels in the bonfire test provides testing facilities with the ability to use less environmentally hazardous fuels.

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. 303; *Fuel System Integrity of Compressed Natural Gas Vehicles* and 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 571.303 is amended by adding S5.3, S5.3.1 and S5.3.2 and S5.4, to read as follows:

§ 571.303 Standard No. 303, Fuel System Integrity of Compressed Natural Gas Vehicles.

* * * * *

S5.3 Each CNG vehicle shall be permanently labeled, near the vehicle refueling connection, with the information specified in S5.3.1 and S5.3.2 of this section. The information shall be visible to a person standing next to the vehicle during refueling, in English, and in letters and numbers that are not less than 4.76 mm (3/16 inch) high.

S5.3.1 The statement: ''Service pressure _____ kPa (_____ psig).''

S5.3.2 The statement ''See instructions on fuel container for inspection and service life.''

S5.4 When a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer shall provide the purchaser with a written statement of the information in S5.3.1 and S5.3.2 in the owner's manual, or, if there is no owner's manual, on a one-page document. The information shall be in English and in not less than 10 point type.

* * * * *

3. Section 571.304, is amended by revising S7.4, S8.3.2, S8.3.3, S8.3.4, S8.3.6, and S8.3.7 to read as follows:

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

* * * * *

S7.4. *Labeling.* Each CNG fuel container shall be permanently labeled with the information specified in paragraphs (a) through (h) of this section. Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended service life of the container. The information shall be in English and in letters and numbers that are at least 6.35 mm (¼ inch) high.

(a) The statement: ''If there is a question about the proper use, installation, or maintenance of this container, contact_____,'' inserting the *CNG fuel container manufacturer's name, address, and telephone number.*

(b) The statement: ''Manufactured in _____,'' inserting the month and year of manufacture of the CNG fuel container.

(c) The statement: ''Service pressure _____ kPa, (_____psig).''

(d) The symbol DOT, constituting a certification by the CNG container manufacturer that the container complies with all requirements of this standard.

(e) The container designation (e.g., Type 1, 2, 3, 4).

(f) The statement: ''CNG Only.''

(g) The statement: ''This container should be visually inspected after a motor vehicle accident or fire and at least every 12 months or 12,000 miles, whichever comes first, for damage and deterioration in accordance with the Compressed Gas Association (CGA), Arlington VA, Guidelines C–6 and C–6.1 for Type 1 containers and C–6.2 for Types 2 and 3 containers.''

(h) The statement: ''Do Not Use After _____'' inserting the month and year that mark the end of the manufacturer's recommended service life for the container.

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S8.3.2 The CNG fuel container is positioned so that its longitudinal axis is horizontal. Attach three thermocouples to measure temperature on the container's bottom side along a line parallel to the container longitudinal centerline. Attach one at the midpoint of the container, and one at each end at the point where the dome end intersects the container sidewall. Subject the entire length to flame impingement, except that the flame shall not be allowed to impinge directly on any pressure relief device. Shield the pressure relief device with a metal plate.

S8.3.3 If the test container is 165 cm (65 inches) in length or less, place it in the upright position. Attach three thermocouples to measure temperature on the container's bottom side along a line which intersects the container longitudinal centerline. Attach one at the midpoint of the bottom of the container, and one each at the point where the dome end intersects the container sidewall. Subject the container to total fire engulfment in the vertical. The flame shall not be allowed to impinge directly on any pressure relief device. For containers equipped with a pressure relief device on one end, the container is positioned with the relief device on top. For containers equipped with pressure relief devices on both ends, the bottom pressure relief device shall be shielded with a metal plate.

S8.3.4 The lowest part of the container is suspended at a distance above the fire such that the container bottom surface temperatures specified in S8.3.6 are achieved.

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S8.3.6 The fire is generated by any fuel that maintains a flame temperature between 850 and 900 C for the duration of the test, as verified by each of the three thermocouples in S8.3.2 or S8.3.3.

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S8.3.7 The fuel specified in S8.3.6 is such that there is sufficient fuel to burn for at least 20 minutes. To ensure that the sides of the fuel container are exposed to the flame, the surface area of the fire on a horizontal plane is such that it exceeds the fuel container projection on a horizontal plane by at least 20 cm (8 inches) but not more than 50 cm (20 inches).

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Ricardo Martinez,

Administrator.

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