

impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 18, 2000.

Martha Steincamp,

Acting Regional Administrator, Region 7.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B [Amended]

2. Table 1 of appendix B to part 300 is amended by deleting the White Farm Equipment Co. Dump, Charles City, Iowa site.

[FR Doc. 00-27578 Filed 10-27-00; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-2300; MM Docket No. 97-26, RM-8968, RM-9089, RM-9090; MM Docket No. 97-91, RM-8854, RM-9221]

Radio Broadcasting Services; Detroit, Howe, Jacksboro, Lewisville, Gainesville, Robinson, Corsicana, Mineral Wells TX, Antlers, Hugo, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses an Application for Review filed by Jerry Snyder and Associates, an Application for Review filed by Metro Broadcasters-Texas, Inc., and a Petition for Partial Reconsideration filed by Hispanic Broadcasting Corporation. This document also grants a Request for Immediate Issuance of Erratum filed by Great Plains Radiocasting to the extent of removing Channel 294C2 at Detroit, Texas. All of these pleadings were directed to the *Report and Order* in this proceeding. 63 FR 45182, August 25, 1997.

DATES: Effective November 28, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted September 27, 2000, and released October 6, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

2. Section 73.202(b), the Table of FM Allotments, under Texas, is amended by removing Channel 294C2, Detroit.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-27745 Filed 10-27-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-00-8191]

RIN 2127-AH94

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 agency is amending the bonfire test procedures in the Federal motor vehicle safety standard concerning compressed natural

gas fuel container integrity. The amendments will facilitate the testing of compressed natural gas containers without adversely affecting safety.

DATES: Effective date: The amendment in this document becomes effective November 29, 2000.

Petitions for reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than December 14, 2000.

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. Steve Wood, NCC-20, Assistant Chief Counsel for Rulemaking, 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*, which specifies tests and performance requirements regarding the durability, strength, and pressure relief of compressed natural gas (CNG) fuel containers. (59 FR 49010) The September 1994 final rule also specified labeling requirements for CNG fuel containers. The CNG fuel 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 One of the performance tests involves subjecting containers to a bonfire test to evaluate their pressure relief characteristics.

NHTSA decided in the September 1994 final rule to specify that No. 2 diesel fuel be used to generate the fire in the bonfire test. The agency indicated that it was specifying No. 2 diesel fuel on an interim basis because of its awareness that environmental problems result from use of this fuel. The agency stated that it would study whether other fuels could be used for the bonfire test.

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

On December 19, 1994, NHTSA published a supplemental notice of proposed rulemaking (SNPRM) that proposed, among other things, to amend the bonfire test procedures and conditions to allow alternative fuel types. (59 FR 65299) Specifically, the agency proposed that the bonfire test 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 Celcius (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 Corporation and Brunswick Composites favored allowing any fuel as long as the specified temperature is maintained. Ford Motor Company commented that the proposal was appropriate, provided the flame characteristics of different fuels are similar. AGA/NGVC also supported the proposal.

On November 24, 1995, NHTSA published a final rule that amended the bonfire test procedures and announced its decision to terminate rulemaking on additional performance requirements for CNG containers that the agency had previously proposed. (60 FR 57943) Specifically, section S8.3.6 was amended to allow the bonfire test to be conducted using any fuel that generates a flame temperature between 850 and 900 degrees C for the duration of the test. The agency stated that the amendment provided greater flexibility in conducting the bonfire test. It further stated that the amendment eliminated a provision that specified the use of a fuel that posed environmental problems.

II. Petitions for Reconsideration

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 that NHTSA amend Standard No. 304 with respect to the requirements for labeling CNG containers and the bonfire test procedures. In a final rule published September 6, 1996, the agency responded to issues associated with the labeling of CNG containers. (61 FR 47086) In today's notice, NHTSA responds to the issues associated with the bonfire test.

Lincoln, Powertech, and NGV Systems stated that the bonfire test procedures in S8.3.6 are not feasible. Section S8.3.6 states that "The fire is generated by any fuel that maintains a flame temperature between 850 and 900 degrees C for the duration of the test, as verified by each of the three thermocouples in S8.3.2 or S8.3.3." NGV Systems provided test data that indicate that the thermocouple temperatures reached during a bonfire test cannot be verified under the procedures specified in the final rule because of variability in the testing. Lincoln recommended that the agency adopt the 1996 edition of NGV2, which requires that two of the three thermocouples average 590 degrees C (1100 degrees F) over any one-minute interval (except that there would be no temperature requirements if the container vents within five minutes of igniting the fire). Lincoln did not explain why this temperature, which is much lower than the initial requirement of 850–900 degrees, would be sufficient. PST stated that because thermocouples on the container do not register temperatures as high as 850 C and are not constant within the 50 C range during the test, diesel fuel should be specified.

Powertech requested that NHTSA harmonize its requirement with the

International Standards Organization's (ISO) proposed standard (CD 11439) and the Canadian Standards Associations' proposed standard (B51–95 (part 2)). Both proposed standards are consistent with the 1996 edition of NGV2 which specifies a minimum fire temperature of 590 degrees C using a thermocouple that is placed directly below the container and is shielded from direct flame impingement. These organizations did not establish a maximum test temperature because of the difficulty in precisely controlling the large-scale fire test conditions. In addition to recommending the adoption of NGV2's bonfire temperature, Lincoln recommended rewording the entire bonfire test procedure in FMVSS No. 304 to make it consistent with the 1996 edition of NGV2. That company further stated that if its recommendation were not accepted, then the bonfire test procedures of the standard should be withdrawn and that the issue of the bonfire procedures should be revisited after NGV2 is completed.

III. NHTSA Decision

After reviewing the petitions and other available information, NHTSA has decided to amend the bonfire test procedures to be consistent with the ANSI/NGV2 industry standard published in June 1998. That standard specifies that, within five minutes of ignition, the average temperature of two of the thermocouples must be not less than 430 degrees C over each one minute interval for the duration of the test, beginning 5 minutes after the ignition of the fire and ending 20 minutes after ignition. It also calls for placement of three thermocouples one inch below the CNG container, and specifies that temperatures be recorded every 30 seconds after the ignition of the fire. In other words, any two of the three thermocouples must have an average temperature of not less than 430 degrees C over a 60-second interval, *i.e.*,

$$\frac{1}{2} \left[\left(\frac{T_{\text{High 1}} + T_{\text{High 2}}}{2} \right)_{@ \text{ time 30 sec}} + \left(\frac{T_{\text{High 1}} + T_{\text{High 2}}}{2} \right)_{@ \text{ time 60 sec}} \right] \geq 430 \text{ } ^\circ\text{C}$$

These test procedures will facilitate the testing of CNG containers in several ways, while maintaining the level of safety currently required by Standard No. 304. First, eliminating the current narrow 50 degree C temperature range will make it easier to conduct compliance tests consistent with the temperature specifications of the

standard. Data submitted by the petitioners that indicate that the final rule's bonfire test procedures were not feasible because the petitioners could not maintain the temperature specified in the 1995 final rule. Second, specifying that the thermocouples will be placed so that they are suspended below the CNG containers, instead of

attached to them as is currently specified in the standard, will increase their accuracy in measuring the flame temperature. Third, specifying a minimum average temperature for the thermocouples will facilitate the use of any type of fuel that can be used to generate the needed heat for the bonfire tests. The temperature specified in the

1995 final rule is the flame temperature for diesel fuel, 850–900 degrees C. This is not practical because the container must reach the flame temperature of the fuel that is burning. At such high temperatures, the CNG container material may be destroyed.

NHTSA's decision to pattern the bonfire test procedures after ANSI/NGV2 is consistent with the National Technology Transfer and Advancement Act (NTTAA), which generally requires Federal agencies to evaluate and use existing voluntary consensus standards² in their regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical; see section 12(d) of Pub. L. 104–113. The agency believes that NGV2 is suitable and consistent with the agency's own statutory mandate to be practicable and meet the need for safety. Accordingly, NHTSA has revised the bonfire test procedures to be consistent with the June 1998 version of the ANSI standard.

Technical Amendment

In addition, NHTSA is making a technical amendment to the *Application* section (S3) to state explicitly that Standard No. 304 applies to "each passenger car, multipurpose passenger vehicle, truck, and bus that uses CNG as a motor fuel and to each container designed to store CNG as motor fuel on-board any motor vehicle." While the standard's applicability is stated in S6.1 and S6.2, it was not fully stated in S3.

IV. 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 in today's final rule make the bonfire test conditions consistent with a voluntary industry standard. Since the industry is already following that standard, this change does not result in any changes in costs.

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 rationale for this certification is that the amendments will not result in any cost increase or decrease for CNG container manufacturers. NHTSA is aware of approximately ten companies that manufacture CNG containers. Because each CNG container manufacturer is affiliated with a Fortune 500 or other large business, none of them would be considered a small business under the U.S. Small Business Administration's affiliation rule (13 CFR 121.401).

C. Executive Order 13132 (Federalism)

The agency has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 and has determined that it does not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The final rule has no substantial effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials.

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 not have any 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 S3 and S8.3 through S8.3.9 to read as follows:

§ 571.304 Standard No. 304, Compressed natural gas fuel container integrity

S3. *Application.* This standard applies to each passenger car, multipurpose passenger vehicle, truck, and bus that uses CNG as a motor fuel and to each container designed to store CNG as motor fuel on-board any motor vehicle.

* * * * *

S8.3 *Bonfire test.* The requirements of S7.3 shall be met under the conditions of S8.3.1 through S8.3.7.

S8.3.1 Fill the CNG fuel container with compressed natural gas and test it at:

(a) 100 percent of service pressure; and

(b) 25 percent of service pressure.

S8.3.2 *Container positioning.*

(a) Position the CNG fuel container in accordance with paragraphs (b) and (c) of S8.3.2.

(b) Position the CNG fuel container so that its longitudinal axis is horizontal and its bottom is 100 mm (4 inches) above the fire source.

(c)(1) Position a CNG fuel container that is 1.65 meters (65 inches) in length or less and is fitted with one pressure relief device so that the center of the container is over the center of the fire source.

(2) Position a CNG fuel container that is greater than 1.65 meters (65 inches) in length and is fitted with one pressure relief device at one end of the container so that the center of the fire source is

² Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as "performance-based or design-specific technical specifications and related management systems practices." They pertain to "products and processes, such as size, strength, or technical performance of a product, process or material."

0.825 meters (32.5 inches) from the other end of the container, measured horizontally along a line parallel to the longitudinal axis of the container.

(3) Position a CNG fuel container that is fitted with pressure relief devices at more than one location along its length so that the portion of container over the center of the fire source is the portion midway between the two pressure relief devices that are separated by the greatest distance, measured horizontally along a line parallel to the longitudinal axis of the container.

(4) Test a CNG fuel container that is greater than 1.65 meters (65 inches) in length, is protected by thermal insulation, and does not have pressure relief devices, twice at 100 percent of service pressure. In one test, position

the center of the container over the center of the fire source. In another test, position one end of the container so that the fire source is centered 0.825 meters (32.5 inches) from one end of the container, measured horizontally along a line parallel to the longitudinal axis of the container.

S8.3.3 Number and placement of thermocouples. To monitor flame temperature, place three thermocouples so that they are suspended 25 mm (one inch) below the bottom of the CNG fuel container. Position thermocouples so that they are equally spaced over the length of the fire source or length of the container, whichever is shorter.

S8.3.4 Shielding.

(a) Use shielding to prevent the flame from directly contacting the CNG fuel

container valves, fittings, or pressure relief devices.

(b) To provide the shielding, use steel with 0.6 mm (.025 in) minimum nominal thickness.

(c) Position the shielding so that it does not directly contact the CNG fuel container valves, fittings, or pressure relief devices.

S8.3.5 Fire source. Use a uniform fire source that is 1.65 meters long (65 inches). Beginning five minutes after the fire is ignited, maintain an average flame temperature of not less than 430 degrees Celsius (800 degrees Fahrenheit) as determined by the average of the two thermocouples recording the highest temperatures over a 60 second interval:

$$\frac{1}{2} \left[\left(\frac{T_{\text{High 1}} + T_{\text{High 2}}}{2} \right)_{@ \text{ time } 30 \text{ sec}} + \left(\frac{T_{\text{High 1}} + T_{\text{High 2}}}{2} \right)_{@ \text{ time } 60 \text{ sec}} \right] \geq 430 \text{ } ^\circ\text{C}$$

If the pressure relief device releases before the end of the fifth minute after ignition, then the minimum temperature requirement does not apply.

S8.3.6 Recording data. Record time, temperature, and pressure readings at 30 second intervals, beginning when the fire is ignited and continuing until the pressure release device releases.

S8.3.7 Duration of exposure to fire source. The CNG fuel container is exposed to the fire source for 20 minutes after ignition or until the pressure release device releases, whichever period is shorter.

S8.3.8 Number of tests per container. A single CNG fuel container is not subjected to more than one bonfire test.

S8.3.9 Wind velocity. The average ambient wind velocity at the CNG fuel container during the period specified in S8.3.6 of this standard is not to exceed 2.24 meters/second (5 mph).

* * * * *

Issued on: October 24, 2000.

Sue Bailey,

Administrator.

[FR Doc. 00-27723 Filed 10-27-00; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014-0137-02; I.D. 091800G]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period

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

ACTION: Closure; Quarter 4 commercial black sea bass fishery.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the quarter 4 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in the Northeast region for the remainder of the 2000 quarter 4 quota period (through December 31, 2000). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3' N. lat.

DATES: Effective 0001 hrs local time, November 1, 2000, through 2400 hrs local time, December 31, 2000.

FOR FURTHER INFORMATION CONTACT:

Jennifer L. Anderson, Fishery Management Specialist, at (978) 281-9226.

SUPPLEMENTARY INFORMATION:

Regulations governing the black sea bass fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into four quota periods based upon percentages of the annual quota. The quarter 4 (October through December) commercial quota is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota is described in § 648.140.

The initial total commercial quota for black sea bass for the 2000 calendar year was 3,024,742 lb (1,372,000 kg) (65 FR 33486, May 24, 2000). The quarter 4 period quota, which is equal to 19.77 percent of the annual commercial quota, was 540,170 lb (245,017 kg). The quota allocation was adjusted downward (65 FR 50465, August 18, 2000) to compensate for 1999 quarter 4 landings in excess of the 1999 quarter 4 quota, consistent with the procedures in § 648.140. The final adjusted quarter 4 quota was 450,661 lb (204,416 kg).

Section 648.141 requires the Regional Administrator, Northeast Region, NMFS (Regional Administrator), to monitor the commercial black sea bass quota for each quota period on the basis of dealer reports, state data, and other available information to determine when the