contain specifications which meet EPA Energy Star requirements for energy efficiency unless a waiver has been obtained in accordance with internal Agency procedures. The EPA Energy Star requirement applies in instances where the Contracting Officer authorizes the contractor to acquire property in accordance with FAR 45.302–1.

(d) The Energy Star requirement also applies to all applicable equipment ordered from GSA Schedule Contracts, open market buys, and Bankcard purchases.

1523.7002 Waivers.

(a) There are several types of computer equipment which technically fall under the current Energy Star Program, but for which EPA established blanket waivers because Energy Star compliant versions of this equipment were unavailable in the marketplace. Blanket waivers apply to the following types of equipment:

(1) LAN servers, including file servers; application servers; communication servers; including bridges and routers;

(2) UNIX RISC based processors with their high-end monitors;

(3) Large LAN printers (greater than 19 pages/minute output); and

(4) Scientific computing equipment which is used for real-time data acquisition and which, if subjected to a power down mode, would jeopardize the research project.

(b) It is anticipated that there will be Energy Star models of this equipment in the future, but in the near term EPA will not specify Energy Star qualifications when purchasing the items listed in this section.

1523.7003 Contract clause.

The Contracting Officer shall insert a clause substantially the same as 48 CFR 1552.239–103, Acquisition of Energy Star Compliant Microcomputers, Including Personal Computers, Monitors, and Printers, in all solicitations and contracts for the acquisition of microcomputers, including personal computers, monitors and printers. The Contracting Officer shall also insert the clause in solicitations and contracts where the Contracting Officer authorizes the contractor to acquire property in accordance with FAR 45.302–1.

3. Section 1552.239–103 is added to read as follows:

1552.239–103 Acquisition of Energy Star Compliant Microcomputers, Including Personal Computers, Monitors and Printers.

As prescribed in 1523.7003, insert the following clause:

ACQUISITION OF ENERGY STAR COMPLIANT MICROCOMPUTERS, INCLUDING PERSONAL COMPUTERS, MONITORS, AND PRINTERS

(APRIL 1996)

(a) The Contractor shall provide computer products that meet EPA Energy Star requirements for energy efficiency. By acceptance of this contract, the Contractor certifies that all microcomputers, including personal computers, monitors, and printers to be provided under this contract meet EPA Energy Star requirements for energy efficiency.

(b) The Contractor shall ship all products with the standby feature activated or enabled.

(c) The Contractor shall provide models that have equivalent functionality to similar non-power managed models. This functionality should include as a minimum:

(1) The ability to run commercial off-the-shelf software both before and after recovery from a low power state, including retention of files opened (with no loss of data) before the power management feature was activated.

(2) If equipment will be used on a local area network (LAN), the contractor shall provide equipment that is fully compatible with network environments, e.g., personal computers resting in a low-power state should not be disconnected from the network.

(d) The contractor shall provide monitors that are capable of being powered down when connected to the accompanying personal computer.

(End of Clause)

Dated: March 18, 1996.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 96–7749 Filed 4–1–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 538

[Docket No. 94–96; Notice 2]

RIN 2127–AF18

Manufacturing Incentives for Alternative Fuel Vehicles

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

ACTION: Final rule.

SUMMARY: This rule establishes minimum driving range standards for dual energy and natural gas dual energy passenger automobiles on non-petroleum fuel and establishes gallons equivalent measurements for certain gaseous fuels. Promulgation of minimum driving range standards for these vehicles is required by the 1992 Energy Policy Act (P.L. 102–486).

DATES: These requirements are effective June 3, 1996. Petitions for reconsideration must be submitted within 45 days of publication.

ADDRESSES: Petitions for reconsideration should be submitted to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Henrietta L. Spinner, Motor Vehicle Requirements Division, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590, (202) 366–4802.

SUPPLEMENTARY INFORMATION:

1. Statutory Background

Section 6 of the Alternative Motor Fuels Act of 1988 (AMFA) (P.L. 100–494) amended the fuel economy provisions of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) by adding a new section, ''Manufacturing Incentives for Automobiles,'' now codified as 49 U.S.C. § 32901(c). The section provided incentives for the manufacture of vehicles designed to operate on alcohol or natural gas, including dual energy vehicles, i.e., vehicles capable of operating on one of those alternative fuels and either gasoline or diesel fuel.

Dual energy vehicles meeting specified criteria qualify for special treatment in the calculation of their fuel economy for purposes of the corporate average fuel economy (CAFE) standards issued by NHTSA under 49 U.S.C. Chapter 329. The fuel economy of a qualifying vehicle is calculated in a manner that results in a relatively high fuel economy value, thus encouraging its production as a way of facilitating a manufacturer's compliance with the CAFE standards. One of the qualifying criteria for passenger automobiles was to meet a minimum driving range, which was to be established by NHTSA.

NHTSA was required to establish two minimum driving ranges, one for dual energy (alcohol/gasoline or diesel fuel) passenger automobiles when operating on alcohol, and the other for natural gas dual energy (natural gas/gasoline or diesel fuel) passenger automobiles when operating on natural gas. In establishing the driving ranges, NHTSA was required to consider consumer acceptability, economic practicability, technology, environmental impact, safety, driveability, performance, and any other factors deemed relevant.

The Alternative Motor Fuels Act and its legislative history made clear that the driving ranges were to be low enough to

encourage the production of dual energy passenger automobiles, yet not so low that motorists would be discouraged by a low driving range from actually fueling their vehicles with the alternative fuels. Section 513(h)(2)(C) of the Cost Savings Act, now codified as 49 U.S.C. § 32901(c)(2)(B), provided that the minimum driving range established by the agency for dual energy passenger automobiles could not be less than 200 miles. Section 513(h)(2)(B) of the Cost Savings Act, now codified as 49 U.S.C. § 32901(c)(2)(A), allowed passenger automobile manufacturers to petition the agency to set a lower range for a particular model or models than the range established by the agency for all models. However, the minimum driving range could not be reduced to less than 200 miles for any model of dual energy passenger automobile.

On April 26, 1990, NHTSA published in the Federal Register (55 FR 17611) a final rule establishing 49 CFR Part 538, *Driving Ranges for Dual Energy and Natural Gas Dual Energy Passenger Automobiles.* The agency established a minimum driving range of 200 miles for dual energy passenger automobiles, and a minimum driving range of 100 miles for natural gas dual energy passenger automobiles. NHTSA did not specify higher ranges because it was concerned that such ranges could discourage manufacturers from producing dual energy vehicles, since the manufacturers would need to redesign their vehicles to accommodate additional or larger fuel tanks in order to meet the higher ranges.

In Part 538, NHTSA also established procedures by which manufacturers may petition the agency to establish a lower driving range for a specific model or models of ''natural gas dual energy'' passenger automobiles and by which the agency may grant or deny such petitions.

The Energy Policy Act of 1992 (EPACT) (P.L. 102–486) amended section 513 of the Cost Savings Act to expand the scope of the alternative fuels it promoted. In addition to the incentives for alcohol and natural gas, the amended section provided incentives for the production of vehicles using liquefied petroleum gas (LPG), hydrogen, coal derived liquid fuels, fuels (other than alcohol) derived from biological materials, electricity (including electricity from solar energy), and any fuel NHTSA determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

As amended, section 513 continued to provide incentives for the production of dual fuel vehicles, i.e., vehicles that operate on one of a now expanded list of alternative fuels and on gasoline or diesel fuel. NHTSA notes that some statutory terminology was changed by the 1992 amendments. Among other things, the terms ''dual energy'' and ''natural gas dual energy'' were dropped, and the terms ''alternative fueled automobile,'' ''dedicated automobile,'' and ''dual fueled automobile'' were added.

Section 513 continued to require dual fueled passenger automobiles to meet specified criteria, including meeting a minimum driving range, in order to qualify for special treatment in the calculation of their fuel economy for purposes of the CAFE standards.

One change made by the 1992 amendments concerning driving ranges was that, under section 513(h)(2), the minimum driving range set by NHTSA may not be less than 200 miles for dual fueled automobiles other than electric vehicles. The amendments also provided that the agency may not, in response to petitions from manufacturers, set an alternative range for a particular model or models that is lower than 200 miles, except for electric vehicles.

The 1992 amendments necessitate amending Part 538. First, the existing 100 mile minimum driving range for vehicles previously categorized as ''natural gas dual energy'' vehicles must be raised to at least 200 miles. Also, NHTSA must establish a minimum driving range for the expanded scope of dual fueled vehicles. Part 538's petition procedures also need to be amended to conform to the new statutory provisions.

In addition to necessitating amendments to Part 538's driving range provisions, the 1992 amendments require NHTSA to ''determine the appropriate gallons equivalent measurement for gaseous fuels other than natural gas * * * '' Such a measurement is needed to carry out the special fuel economy calculations that apply to alternative fuel vehicles.

The Motor Vehicle and Cost Savings Act was rescinded in 1994 through legislation (P.L. 103–272) recodifying the Cost Savings Act in Chapter 329 ''Automobile Fuel Economy'' of Title 49 of the United States Code (49 U.S.C. § 32901 et. seq.) This recodification adopted the provisions of the Cost Savings Act without substantive change, inluding those amendments contained in the 1992 Energy Policy Act.

2. Regulatory Background

NHTSA published a notice of proposed rulemaking (NPRM) on December 19, 1994 (59 FR 65295) which proposed setting the minimum driving range for all dual fueled passenger automobiles other than electric vehicles at 200 miles. In that notice, NHTSA also proposed removing the petition procedures until it sets a minimum driving range for electric dual fueled passenger automobiles.

The NPRM stated that the complexity of the issues relating to establishment of a minimum driving range for electric dual fueled passenger automobiles, otherwise known as hybrid electric vehicles, required NHTSA to address that issue in a separate rulemaking. On September 22, 1994, NHTSA published in the Federal Register (59 FR 48589) a request for comments seeking information that would help it develop a proposal in that area.

The NPRM also proposed to amend Part 538's gallons equivalent measurements for compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and hythane.

As part of determining appropriate gallons equivalent measurements for gaseous fuels, NHTSA consulted with the Department of Energy (DOE) Fuels Utilization Data and Analysis Division. NHTSA and DOE agreed that the following gaseous fuels could be potential transportation fuels by 2008: liquefied natural gas, liquefied petroleum gas and hydrogen.

Pursuant to a contract with DOE, Abacus Technology Corporation prepared a report titled ''Energy Equivalent Values of Three Alternative Fuels: Liquefied Natural Gas, Liquefied Petroleum Gas, and Hydrogen.'' This report is available for review at the docket number cited in the heading of this notice. The Abacus report develops gallons equivalent measurements for LNG, LPG, and hydrogen gaseous fuels.

After reviewing the Abacus report, the Environmental Protection Agency (EPA) Office of Mobile Sources recommended adding hythane fuel (a mixture of hydrogen and natural gas (principally methane)) as a gaseous fuel for which a gallon equivalent should be calculated. EPA stated that although hythane is currently being used and evaluated on a limited basis, there is a possibility that hythane fuel may become commercially available as a gaseous fuel. In a follow-up report, which is also available in the docket, Abacus developed an appropriate gallon equivalent measurement for hythane.

3. Dual Energy Driving Range Requirements

NHTSA received comments regarding the driving range proposed in the NPRM from Minnegasco, Taylor-Wharton, the American Automobile Manufacturers Association (AAMA), the Southern

California Gas Company (the Gas Company), and the American Gas Association/Natural Gas Vehicle Coalition (AGA/NGV).

Minnegasco, a natural gas utility, is concerned about the increase of the minimum driving range for natural gas dual fueled vehicle because a large share of the fleet vehicles in its territory do not need a 200 mile range. Minnegasco also stated its concerns that the size of the tanks required to achieve a 200 mile range in compressed natural gas vehicles would require significant and costly vehicle modifications. The company believes that requiring a 200 mile or greater range would discourage the production of natural gas dual fueled vehicles.

Taylor-Wharton, a manufacturer of gas equipment, indicated that a minimum driving range of 200 miles would be detrimental to the compressed natural gas industry. Taylor-Wharton is concerned that setting the minimum driving range above 100 miles for CNG dual fueled vehicles would require the installation of two CNG fuel tanks, causing increased weight and cost. Taylor-Wharton also believes that by increasing the range, certain safe and cost effective CNG fuel tanks would be eliminated from the market. This will also decrease the CNG fuel tank competition and, therefore, increase fuel tank costs. Taylor-Wharton indicated that, in the future, a minimum driving range should not be mandated for fleet vehicles, since these vehicles do not require traveling long distances, and these vehicles' bases are equipped with refueling infrastructure.

The American Automobile Manufacturers Association (AAMA) believes that the minimum driving requirement of 200 miles is too stringent for natural gas vehicles but achievable for LPG and alcohol dual fueled vehicles. The AAMA further discussed the uniqueness of natural gas and the marketability and productivity of alternative vehicles. AAMA contended that natural gas stored at 3,000 pounds per square inch (psi) requires roughly four times the storage space to achieve a driving range equivalent to gasoline vehicles. Further, because natural gas is stored in cylinders that present greater challenges for installation than gasoline tanks, less than optimum usage of space is achieved.

AAMA believes that the market for alternative fuel vehicles (AFVs) remains limited. AAMA stated that in 1995 the purchases by mandated federal fleets would result in less than 15,000 AFV sales or conversions, and in 1999 and later, an estimated 40,000 units. AAMA also noted that market growth remains uncertain, as do implementation of further mandates under the Energy Policy Act of 1992. AAMA stated that even though incentives, such as CAFE credits for AFVs, help offset the cost of product programs, a 200 mile minimum driving range may remove this support factor for most dual fueled natural gas automobiles.

Southern California Gas Company (the Gas Company) indicated that it believed the minimum driving range for dual-fueled natural gas vehicles should not be raised above 200 miles. The Gas Company believes that use of the congressionally-mandated minimum will allow for the participation of the greatest number of natural gas vehicles.

The American Gas Association and the Natural Gas Vehicle Coalition submitted joint comments (AGA/NGV). AGA/NGV believe that the increased driving range requirement of 200 miles will act as a disincentive for manufacturers to produce natural gas vehicles. AGA/NGV contends that a 200 mile minimum driving range would increase vehicle costs by necessitating additional and/or larger storage cylinders on natural gas vehicles, which could require structural changes and possibly separate safety testing. In their comments, the AGA/NGV stated that the natural gas vehicle industry is conducting research to expand fuel storage capacity without increasing weight or limiting storage space on these vehicles; however, these cylinders cost more and require more space than steel cylinders. They also observed that most natural gas vehicles will be owned and operated by large fleets. Fleet vehicles typically are refueled daily at a single location. Thus, a limited driving range does not serve as a major disincentive for these operators. AGA/NGV also commented that natural gas is more widely available and the need for dual fueled NGVs use of gasoline is decreasing rapidly. For these reasons, the intent of the statute—to ensure fueling on natural gas—is not likely to be subverted if NHTSA maintains the minimum driving range at 100 miles.

AGA/NGV believes that the congressional history associated with the 1992 amendment to Section 513(h)(2) does not demonstrate an intention on the part of Congress to change the status of the manufacturing incentives for natural gas vehicles and urged NHTSA not to increase the requirements to 200 miles.

Two commenters, AAMA and AGA/NGV, believe that the minimum driving range of 200 miles for natural gas dual fueled vehicles is too stringent. Therefore, these vehicles should be allowed to maintain a 100-mile driving range. Taylor-Wharton and Minnegasco agreed that 200 miles would serve as a disincentive to the natural gas industry. Taylor-Wharton's argument focused on the limited space availability in these natural gas dual fueled vehicles and the increased cost and safety concerns for these vehicles' fuel tanks.

Although the agency realizes that natural gas dual fueled vehicles' driving range is shorter than that of gasoline-fueled vehicles and several other alternative fuels, (CNG driving range is one-third to one-half that of comparable gasoline-fueled vehicles, and LNG fuel tank range is just under two-thirds that of gasoline), NHTSA's examination of the 1992 amendments and the legislative history of these amendments indicates that the agency is required by the amendment to Section 513(h)(2) to set a minimum driving range of not less than 200 miles for all alternative fueled passenger automobiles other than electric vehicles. The agency trusts that this 200-mile driving range for natural gas dual fueled passenger vehicles is low enough to encourage the production of these vehicles, yet not so low that motorists would be discouraged by a low driving range from actually fueling their vehicles with these alternative fuels.

In the NPRM, NHTSA asked for comments on whether there are any potentially available liquid alternative fuels that have significantly higher energy content than alcohol on a volume basis, and, if so, whether a driving range higher than 200 miles should be set for such fuels. The agency received no such comments; therefore, NHTSA elects to set the minimum driving range for dual fueled passenger automobiles other than electric vehicles at 200 miles.

NHTSA believes that although the majority of commenters preferred a lower minimum driving range for dual fueled passenger vehicles, the law requires the minimum driving range to be set at not less than 200 miles. NHTSA is therefore setting the minimum driving range for all dual fueled vehicles other than electric vehicles at 200 miles to encourage development of these vehicles to the maximum extent possible permitted by law.

4. Proposed Gallon Equivalents for Gaseous Fuels

To carry out the special procedures for fuel economy calculations that apply to alternative fuel vehicles, it is necessary, for gaseous fuel vehicles, to have a gallon equivalent measurement. The 1992 amendments specified that 100 cubic feet of natural gas is deemed

to contain 0.823 gallon equivalent of natural gas. The 1992 amendments required NHTSA to determine the appropriate gallon equivalent measurement for gaseous fuels other than natural gas, and a gallon equivalent of such gaseous fuel shall be considered to have a fuel content of 15 one-hundredths of a gallon of fuel.

The NPRM examined gallon equivalency measurements for five gaseous fuels: (1) compressed natural gas; (2) liquified natural gas; (3) liquified propane gas; (4) hydrogen; and (5) hythane (Hy5). NHTSA received comments regarding the gallon equivalency measurements proposed in the NPRM from Minnegasco, the American Gas Association/Natural Gas Vehicle Coalition (AGA/NGV), Reliance and the Propane Vehicle Council.

A. Liquefied Natural Gas. The Alternative Motor Fuels Act of 1988 included natural gas as an alternative fuel, but did not specify its physical state as a compressed gas or a liquefied gas. The Abacus report recommended that the same 0.823 gallon equivalent of natural gas established in the Alternative Motor Fuels Act be applied to LNG based on energy content in British Thermal Unit (BTU)/Standard Cubic Feet (SCF), because LNG composition and heat of combustion are similar to compressed natural gas.

AGA/NGV recommended that NHTSA not apply the conversion ratio used for CNG to LNG. However, AGA/NGV failed to describe what conversion factor the agency should use for LNG.

AGA/NGV's comments also suggested that a different gallon equivalency be used for CNG. AGA/NGV indicated that the current conversion ratio of 0.823 is inappropriate for use with CNG and presented data suggesting that a conversion ratio of 0.809 (92,370 low heating value Btu per 100 SCF divided by 114,118.8 Btu for gasoline) would be more accurate. The different energy contents of liquefied natural gas and liquid methane (99.6% purity) is another issue of concern to AGA/NGV and it suggested that the conversion ratio for liquid methane should be 0.793 (based on 99.6% pure methane). The differences in energy content, according to AGA/NGV, could have a significant impact on vehicle range.

There were also concerns raised by AGA/NGV about potential confusion caused by the conversion factor of 0.823 value for CNG. AGA/NGV indicated that the National Conference of Weights and Measures (NCW&M) is establishing a standard method of measuring amounts of compressed natural gas sold at retail fueling stations. The NCW&M measurement compares pounds, not cubic feet, of compressed natural gas to gallons of gasoline. As this standard of equating natural gas to gasoline differs from that used for calculating fuel economy, AGA/NGV is concerned that the continued use of the cubic foot equivalency for CAFE purposes will cause confusion. AGA/NGV believes that other regulatory agencies and consumers could misconstrue that the 100 SCF of compressed natural gas equals one gallon of gasoline. Therefore, AGA/NGV urged NHTSA to note in its final rule that its calculations for the cited gaseous fuels are only being promulgated for purposes of performing CAFE calculations and should not be relied upon for other purposes, such as establishing units of measurement for the dispensing of fuel or taxation of alternative fuels.

The divergence between the gallon equivalent for CAFE purposes and as a unit of measure for retail sales and other purposes was also raised in the submission given by Minnegasco. Minnegasco observed that the National Conference of Weights and Measures (NCW&M) adopted 100 Standard Cubic Feet (SCF) as the Gasoline Gallon Equivalent (GGE) for the sale for CNG engine fuel. Minnegasco contends that it would reduce confusion if this gallon equivalent was adopted for purposes of fuel economy determination. Minnegasco also suggested that a similar GGE should be determined for LNG which takes into account temperature, purity and density using standard industry references.

NHTSA believes that it does not have the discretion to assign different gallon equivalency values for LNG and CNG. Both the Alternative Motor Fuels Act and the Energy Policy Act direct that the 0.823 gallon equivalency ratio be used with ''natural gas.'' As CNG and LNG are both natural gases that differ principally in the way they are stored, it is the agency's view that they are both subject to the legislative determination that, for CAFE purposes, 100 SCF of these gases are equivalent to 0.823 gallons of gasoline. Therefore, NHTSA will continue to apply the conversion factor of 0.823 gallon equivalent for LNG and CNG.

B. Liquefied Propane Gas (LPG). The Gas Processors Association Standard 2140–92 specifies four grades of LPG. They are commercial propane, commercial butane, commercial butane-propane mixtures, and propane HD–5. Propane HD–5 is recognized as the most suitable fuel for internal combustion engines operating at moderate to high engine severity. In the NPRM, NHTSA proposed that one gallon of LPG, grade HD–5, is equivalent to 0.732 gallon of gasoline, using a lower heating value. Two commenters addressed the proposed gallon equivalent measurement for LPG. The Propane Vehicle Council and Reliance stated that they supported a gallon equivalency measurement of 0.732 for LPG.

The 0.732 gallon equivalency published in the NPRM was based on a lower heating value recommended in the first Abacus report. After publication of the NPRM, The Department of Energy suggested that the use of a lower heating value for propane was inconsistent with the use of a higher heating value in calculating the gallon equivalency for natural gas. In addition, DOE also indicated that the use of a higher heating value was more consistent with the heating values used by DOE in compiling other energy related information and statistics.

NHTSA believes that the use of a higher heating value for calculation of the gallon equivalency for propane is consistent with the use of higher heating values for natural gas in AMFA and EPACT. Therefore, the agency is setting the gallon equivalency for propane at 0.726 gallons of gasoline per gallon of propane.

C. Hydrogen. NHTSA did not receive any comments regarding the proposed gallon equivalent of 100 SCF of hydrogen of 0.240 contained in the NPRM. As is the case with the gallon equivalency for propane contained in the same NPRM, the proposed value was based on a lower heating value. The agency believes that the use of a lower heating value to calculate the gallon equivalency for hydrogen is inconsistent with the use of a higher heating value for natural gas. NHTSA is therefore setting the gallon equivalency for hydrogen at 0.259 gallons of gasoline per 100 SCF of hydrogen.

D. Hythane. Hythane is a combination of two gaseous fuels: hydrogen and natural gas. The second Abacus report concluded that the gallon equivalent of 100 SCF of this hythane mixture is 0.725 using the lower heating value. NHTSA did not receive any comments regarding the proposed gallon equivalent for hythane. The agency is adopting a value of 0.741 gallons of gasoline per 100 SCF of hythane. This value represents the equivalency at a higher heating value. As is the case with hydrogen and propane, NHTSA believes that the use of this higher heating value is consistent with the use of higher heating values in calculating the gallon equivalency for natural gas.

Regulatory Impacts

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This notice has not been reviewed under Executive Order 12866. NHTSA has considered the impact of this rulemaking action and has determined that the action is not ''significant'' under the Department of Transportation's regulatory policies and procedures. In this final rule, the agency is setting the minimum driving range for all dual fueled passenger automobiles other than electric vehicles at 200 miles and is establishing gallon equivalents for specified gaseous fuels. None of these changes will result in an additional burden on manufacturers. They do not impose any mandatory requirements but implement statutory incentives to encourage the manufacture of alternative fuel vehicles. For these reasons, NHTSA believes that any impacts on manufacturers are so minimal as not to warrant preparation of a full regulatory evaluation.

B. Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action under the Regulatory Flexibility Act. 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, to the extent that any passenger automobile manufacturers qualify as small entities, their number would not be substantial. Moreover, conversion of vehicles to dual fuel status with the minimum ranges that would be established by this regulation would be voluntarily undertaken in order to achieve beneficial CAFE treatment of those vehicles. Therefore, no significant costs would be imposed on any manufacturers or other small entities.

C. National Environmental Policy Act

The agency has also analyzed this rule for the purpose of the National Environmental Policy Act, and determined that it would not have any significant impact on the quality of the human environment. Increased evaporative emissions due to added fuel volume would be the most important environmental impact of this rulemaking if it induced manufacturers to enlarge the size of existing fuel tanks in order to produce dual fuel vehicles operating on alcohol or other liquid fuel. However, the minimum range would not make it necessary for these dual fuel vehicles to have enlarged fuel tanks. Natural gas and other gaseous dual fueled automobiles will not expect to increase evaporative emissions since gaseous tanks do not normally vent to the atmosphere.

D. Paperwork Reduction Act

The procedures in this proposed rule for passenger automobile manufacturers to petition for lower driving ranges are considered to be information collection requirements as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. The information collection requirements for part 538 have been submitted to and approved by the OMB, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This collection of information has been assigned OMB Control No. 2127–0554. (Minimum Driving Ranges for Dual Energy Passenger Automobiles) and has been approved for use through June 30, 1996.

E. 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

F. Civil Justice Reform

This proposed rule would not have any retroactive effect and it does not preempt any State law. 49 U.S.C. 32909 sets forth a procedure for judicial review of automobile fuel economy regulations. 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 538

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 538 is revised to read as follows:

PART 538—MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL VEHICLES

Secs.

538.1 Scope.
538.2 Purpose.
538.3 Applicability.
538.4 Definitions.
538.5 Minimum driving range.
538.6 Measurement of driving range.
538.7 [Reserved]
538.8 Gallon Equivalents for Gaseous Fuels.

Authority: 49 U.S.C. 32901, 32905, and 32906; delegation of authority at 49 CFR 1.50.

§ 538.1 Scope.

This part establishes minimum driving range criteria to aid in identifying passenger automobiles that are dual fueled automobiles. It also establishes gallon equivalent measurements for gaseous fuels other than natural gas.

§ 538.2 Purpose.

The purpose of this part is to specify one of the criteria in 49 U.S.C. chapter 329 ''Automobile Fuel Economy'' for identifying dual fueled passenger automobiles that are manufactured in model years 1993 through 2004. The fuel economy of a qualifying vehicle is calculated in a special manner so as to encourage its production as a way of facilitating a manufacturer's compliance with the Corporate Average Fuel Economy Standards set forth in part 531 of this chapter. The purpose is also to establish gallon equivalent measurements for gaseous fuels other than natural gas.

§ 538.3 Applicability.

This part applies to manufacturers of automobiles.

§ 538.4 Definitions.

(a) Statutory terms. (1) The terms *alternative fuel, alternative fueled automobile,* and *dual fueled automobile,* are used as defined in 49 U.S.C. 32901(a).

(2) The terms *automobile* and *passenger automobile,* are used as defined in 49 U.S.C. 32901(a), and in accordance with the determinations in part 523 of this chapter.

(3) The term *manufacturer* is used as defined in 49 U.S.C. 32901(a)(13), and in accordance with part 529 of this chapter.

(4) The term *model year* is used as defined in 49 U.S.C. 32901(a)(15).

(b)(1) Other terms. The terms *average fuel economy, fuel economy,* and *model type* are used as defined in subpart A of 40 CFR part 600.

(2) The term *EPA* means the U.S. Environmental Protection Agency.

§ 538.5 Minimum driving range.

(a) The minimum driving range that a passenger automobile must have in order to be treated as a dual fueled automobile pursuant to 49 U.S.C. 32901(c) is 200 miles when operating on its nominal useable fuel tank capacity of the alternative fuel, except when the alternative fuel is electricity.

(b) [Reserved]

§ 538.6 Measurement of driving range.

The driving range of a passenger automobile model type is determined by multiplying the combined EPA city/highway fuel economy rating when operating on the alternative fuel, by the nominal usable fuel tank capacity (in gallons), of the fuel tank containing the

alternative fuel. The combined EPA city/highway fuel economy rating is the value determined by the procedures established by the Administrator of the EPA under 49 U.S.C. 32904 and set forth in 40 CFR part 600.

§ 538.7 [Reserved]

§ 538.8 Gallon Equivalents for Gaseous Fuels.

The gallon equivalent of gaseous fuels, for purposes of calculations made under 49 U.S.C. 32905, are listed in Table I:

TABLE I—GALLON EQUIVALENT MEASUREMENTS FOR GASEOUS FUELS PER 100 STANDARD CUBIC FEET

Fuel	Gallon equivalent measurement
Compressed Natural Gas	0.823
Liquefied Natural Gas	0.823
Liquefied Petroleum Gas (Grade HD–5)*	0.726
Hydrogen	0.259
Hythane (Hy5)	0.741

*Per gallon unit of measure.

Issued on: March 21, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–7828 Filed 4–1–96; 8:45 am]

BILLING CODE 4910–59–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 800

Organization and Functions of the Board and Delegations of Authority

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision corrects an inadvertent omission. By Federal Register notice published November 30, 1995 (60 FR 61487), the Safety Board revised a number of its organizational descriptions, including 49 CFR 800.2(g). The Board inadvertently failed to indicate in that rule that the Office of Surface Transportation Safety also conducts investigations concerning hazardous materials accidents. This notice corrects that omission.

DATES: The new rule is effective on April 2, 1996.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 382–6540.

SUPPLEMENTARY INFORMATION: Effective January 2, 1996, and to reflect current practice, the Safety Board updated the description of its organization and the delegations of authority that are published at 49 CFR Part 800. Unintentionally, the newly adopted paragraph at Part 800.2(g) did not reflect the responsibility of the Office of Surface Transportation to investigate accidents involving hazardous materials. This notice corrects that omission.

List of Subjects in 49 CFR Part 800

Authority delegations (Government agencies), Organization and functions (Government agencies).

Accordingly, 49 CFR Part 800 is amended as set forth below.

PART 800—ORGANIZATION AND FUNCTIONS OF THE BOARD AND DELEGATIONS OF AUTHORITY

1. The Authority citation for Part 800 continues to read as follows:

Authority: Independent Safety Board Act of 1974, as amended (49 U.S.C. 1101 *et seq.*); Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*).

2. Section 800.2 is amended by revising paragraph (g) to read as follows:

§ 800.2 Organization.

* * * * *

(g) The Office of Surface Transportation Safety, which conducts investigations of highway, railroad, pipeline, marine, and hazardous materials accidents within the Board's jurisdiction; prepares reports for submission to the Board and release to the public setting forth the facts and circumstances of such accidents, including a recommendation as to the probable cause(s); determines the probable cause(s) of accidents when delegated authority to do so by the Board; initiates safety recommendations to prevent future surface transportation accidents; participates in the investigation of accidents that occur in foreign countries and involve U.S.-registered vessels; and conducts special investigations into selected surface accidents involving safety issues of concern to the Board.

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Issued in Washington, D.C. on this 28th day of March 1996.

Daniel D. Campbell,

General Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 960111002–6087–02; I.D. 112495B]

RIN 0648–AG31

Pacific Coast Groundfish Fishery; Designation of Routine Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS announces regulations to designate certain management measures as ''routine'' in the Pacific coast groundfish fishery off Washington, Oregon, and California. Once management measures have been designated as routine, they may be modified after a single meeting and recommendation of the Pacific Fishery Management Council (Council). Such action is authorized under the Pacific Coast Groundfish Fishery Management Plan (FMP) and is intended to provide for responsive inseason management of the groundfish resource.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

SUPPLEMENTARY INFORMATION: The FMP authorizes the designation of certain management measures as ''routine.'' Routine management measures are specific for species, gear types, and purposes. Implementation and adjustment of those routine measures may occur after consideration at a single Council meeting, approval by NMFS, and announcement in the Federal Register. Adjustments must be within the scope of the analysis performed when the management measure originally is designated routine. This final rule makes additional routine designations, as follows: (1) Trip limits for all groundfish species, separately or in any combination, taken with open access gear; and (2) in the limited entry (or open access) fisheries, trip and size limits for lingcod, and trip limits for