adopt the revised language suggested by AAMA. Therefore, AAMA's petition concerning fill condition is denied.

## Pressurizing the High Pressure Side

S7.1.2 of the final rule states that, "Any shutoff valve at the fuel container is in the open position." AAMA states in its petition that some CNG fuel systems include additional manual shutoff valves in the high pressure side of the fuel system, and that these valves must also be open so that pressure is distributed to the entire high pressure side of the fuel system. If these valves are closed, the vehicle test conditions would not simulate, to the extent practicable, conditions present in a real world crash. These observations led that organization to conclude that the final rule is not reasonable or practicable. In addition, AAMA stated that this aspect of the final rule does not meet the need for motor vehicle safety. This is because manual valves located downstream from the pressure measurement point, if closed, would seal off part of the high pressure side of the fuel system. Thus, pressure measurement upstream of the closed valve would not detect a leak in the sealed off, high pressure portion of the fuel system.

AAMA stated that an appropriate corrective action would be to amend S7.1.2 to state that "\* \* \* normal operating pressures. All manual shutoff valves are to be left in the open position." AAMA's suggested language is underlined.

After reviewing AAMA's recommendation about shutoff valves, NHTSA has decided to amend S7.1.2 to state "All manual shutoff valves are to be in the open position."

The agency believes that this change is consistent with the goal in S7.1.2 which is to have the vehicle test conditions be representative of real world crash test conditions and to meet the need for motor vehicle safety. The agency was not aware that there may be manual shutoff valves within the high pressure portion of the fuel system other than those located at the fuel containers. In addition, the phrase in S7.1.2 stating "Any shutoff valve \* \* \*" was meant to refer to manual shutoff valves. Based on the above consideration, NHTSA has decided to adopt AAMA's request concerning pressurizing the high pressure side.

# **Pressure Measurement Location**

AAMA stated that the final rule does not specify how fuel system pressure is to be accessed for measurement. In its response to the January 1993 NPRM, AAMA stated that it \* \* \* is concerned about adding pressure transducers to points in the fuel line solely for purposes of conducting the test. Doing so creates a point of potential leakage where a fitting joint does not exist in a non-test vehicle.

AAMA stated that if a NHTSA contractor were to test for compliance by creating such a pressure measurement point, AAMA member companies likely would object, pointing out that the fuel system on the vehicle has been disrupted and therefore would not be representative of the vehicle as manufactured. AAMA stated that it is not reasonable, practicable, or appropriate to have a final rule that is silent on where the pressure is to be measured, thereby leaving its selection to the discretion of a NHTSA test contractor.

AAMA stated that an appropriate corrective action would be to add a new S7.1.8, which states, *"The pressure drop measurement specified in S7.2 (sic) is to be made using a location recommended by the vehicle manufacturer."* AAMA's proposed language is underlined. (Note: NHTSA has verified with AAMA that it intended to reference S5.2 rather than S7.2 in this statement.)

NHTSA agrees with AAMA's assessment. Based on additional comments obtained from AAMA in response to the January 1993 NPRM, the agency understands that vehicle manufacturers will be providing a tap point on the vehicle's fuel system where pressure measurement is to be obtained. It would be consistent with the intent of Standard 304 if that pressure measurement of the fuel system were made at the location specified by the vehicle manufacturer. Accordingly, AAMA's petition concerning pressure measurement location is granted.

## **Miscellaneous Correction**

NHTSA is also making a word correction to one of the definitions in S4, which AAMA pointed out in its petition. The definition for *CNG fuel container* currently reads *CNG full container*. Therefore, the word *full* is changed to *fuel*.

#### **Rulemaking Analyses**

# *A. Executive Order 12866 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 reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be "non-significant" under the Department of Transportation's regulatory policies and procedures.

## 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. Information available to the agency indicates that currently there are very few businesses manufacturing passenger cars or light trucks for CNG use. The agency further believes that as the market expands for CNG vehicles, original vehicle manufacturers will begin to produce CNG vehicles because they will be able to do so at less expense than final stage manufacturers and alterers. Few, if any, original vehicle manufacturers which manufacture CNG vehicles are 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. On the contrary, because NHTSA anticipates that ensuring the safety of CNG vehicles will encourage their use, NHTSA believes that the rule will have positive environmental impacts since CNG vehicles are expected to have nearzero evaporative emissions and the potential to produce very low exhaust emissions as well.

### E. Civil Justice Reform

This final rule 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