from placing incentives in contracts with health care providers or health care workers that would limit providers' or health care workers' ability to discuss medically necessary treatment options with Federal enrollees. We are aware that a proposal to enact a ''gag clause'' regulation raises three broad areas of concern regarding: (1) potential impairment of a health plan's ability to review utilization against appropriate treatment protocols, (2) potential conflict with providers' (including carriers') ethical or moral beliefs, and (3) impact on providers' or workers' ability to discuss non-covered or high cost treatment options. This regulation is not intended to limit a health plan's ability to perform utilization review nor is it intended to cause providers or health care workers to discuss treatment options that they would not ordinarily discuss in their normal course of practice because such options are against their professional judgement and/or ethical, moral or religious beliefs. The regulation will ensure that providers or health care workers have the ability to communicate fully and openly with patients regarding medically necessary treatment options regardless of cost or whether the benefits are covered by their health plan. Simply stated, the amended regulation is intended to remove any contractual impediment to a candid and open physician-patient relationship.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect health insurance carriers under the Federal Employees Health Benefits Program.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 48 CFR Part 1609

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professionals, Hostages, Iraq, Kuwait, Lebanon, Reporting and record keeping requirements, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Director.

For the reasons set forth in the preamble OPM proposes to amend 48 CFR Part 1609 as follows:

Subpart 1609.70—Minimum Standards for Health Benefit Carriers

1. The authority citation for 48 CFR Part 1609 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. In § 1609.7001 new paragraph (c)(7) is added to read as follows:

§ 1609.7001 Minimum Standards for Health Benefits Carriers

* * * * *

(c) * * *

(7) Entering into contracts with providers or health care workers that include incentive plans that directly or indirectly create an inducement to limit communication of, or reduce, medically necessary services to any individual covered under the FEHB Program.

[FR Doc. 98–13782 Filed 5–19–98; 2:20 pm]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–97–2095; Notice 1]

RIN 2137–AC11

Pipeline Safety: Adoption of Industry Standards for Breakout Tanks

AGENCY: Research and Special Programs Administration (RSPA),DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would incorporate industry consensus standards for aboveground storage tanks into the regulations for the transportation of hazardous liquids by pipelines. This action would upgrade the pipeline safety regulations for breakout tanks to the level of the industry standards currently applicable to other steel petroleum tanks at tank farms and refineries throughout the United States. The proposed incorporation of these industry published standards would ensure the safety of breakout tanks used in the transportation of petroleum, petroleum products or anhydrous ammonia.

DATES: RSPA invites interested persons to submit comments by July 20, 1998. Late filed comments will be considered as far as practicable.

ADDRESSES: All commenters should identify the docket number as RSPA–97–2095 and the subject heading as ''Pipeline Safety: Adoption of Industry Standards for Breakout Tanks.'' Written comments should be mailed or delivered to the Docket Facility, U.S. Department of Transportation, Room #PL–401, 400 Seventh Street, SW, Washington, DC 20590–0001. The original and two copies of the comments should be submitted. Persons mailing comments and desiring confirmation of their receipt must include a self-addressed stamped postcard. The Dockets Facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays when the facility is closed. Comments may also be submitted electronically via e-mail to ops.comments@rspa.dot.gov. Files should be sent in ASCII or text format.

FOR FURTHER INFORMATION CONTACT: Albert C. Garnett, Office of Pipeline Safety (OPS), telephone: (202) 366–2036, FAX: (202) 366–4566, e-mail: albert.garnett@rspa.dot.gov regarding the subject matter of this notice; or the Docket Facility, telephone (800) 647–5527 regarding copies of this notice or other material in the docket.

Comments that have been scanned into the docket may be accessed electronically and read at http://dms.dot.gov. General information about the RSPA/Office of Pipeline Safety programs can be obtained by accessing OPS's internet homepage at http://ops.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Definition and Regulation of Breakout Tanks

In 49 CFR § 195.2 a breakout tank is defined as a tank used to: (a) relieve surges in a hazardous liquid pipeline system; or (b) receive and store hazardous liquid transported by a pipeline for reinjection and continued transportation by pipeline. Hazardous liquids are defined in 195.2 as: petroleum, petroleum products, or anhydrous ammonia.

Breakout tanks are designed, constructed, operated, and maintained to the same industry standards as other storage tanks throughout the petroleum industry. Consequently, breakout tanks are indistinguishable from other storage tanks that may be located at the same pipeline terminal. They are simply tanks that the operator has assigned to breakout tank functions.

These steel storage tanks are constructed in various configurations, sizes, and material properties to safely contain the liquids and their volatility at the design temperature(s) and pressure(s). Most breakout tanks are aboveground vertical cylindrical tanks that are classified as either atmospheric

tanks or low-pressure tanks. However, liquefied petroleum gas (LPG) may be stored at high-pressures in aboveground tanks with configurations that are more similar to that of ASME Code pressure vessels.

Atmospheric Storage Tanks

Atmospheric storage tanks are those designed to operate their vapor spaces at internal pressures that are approximately atmospheric (vapor pressures not exceeding 2.5 psig). Atmospheric storage tanks are used for commodities such as: crude oil, heavy oils, gas oils, furnace oils, naphtha, gasoline, and nonvolatile chemicals. The roofs of atmospheric storage tanks may take various forms.

An atmospheric cone-roof tank has roof plates that are supported by internal rafters, purlins, columns, and by the top of the cylindrical tank shell. An atmospheric umbrella-roof tank has roof plates formed from curved segments that are completely supported by the top of the cylindrical tank shell. When such fixed roof tanks are fitted with an internal floating roof, the breathing and filling losses are minimized by the elimination of the vapor space above the stored liquid.

Another type of atmospheric tank uses an external floating roof that is also designed to minimize the breathing and filling losses by the elimination of the vapor space above the stored liquid. Occasionally, such an ''open-top'' external floating-roof tank is retrofitted with an aluminum roof that is supported at the top of the cylindrical tank shell. This aluminum fixed roof shields the (former external) floating-roof and the stored hazardous liquid from the adverse effects of severe rainfalls and snowfalls.

Low-Pressure Storage Tanks

Low-pressure tanks are those designed to operate their vapor spaces at internal pressures above 2.5 psig, but not exceeding 15 psig. Low pressure storage tanks are used for commodities such as: light crude oils, some gasoline blending stocks, light naphtha, pentane, and some highly volatile liquids.

There are several designs to withstand the vapor pressure that may develop in low-pressure tanks. Tanks without a device or means to change the internal volume (i.e., vary the vapor space above the stored liquid) have hemispherical, spheroidal, and noded spheroidal configurations to contain the stored liquid and vapor pressure. Other roof designs accommodate the vapor pressure by providing a variable vapor space above the stored liquid. Such tanks are described as breather-roofs, balloon-roofs, and vapor-dome roofs.

High-Pressure Tanks

Breakout tanks used to contain pressures of at least 15 psig are designed in accordance with the ASME Boiler and Pressure Vessel Code, Pressure Vessels, Section VIII, Division 1 and 2. Such pressure tanks with spherical or cylindrical (horizontal) configurations are often used to store highly volatile liquids such as liquefied petroleum gas (LPG). LPG includes propane, propylene, butanes (normal butane and isobutane), and butylenes. Because of their configuration, tanks that store LPG are commonly described as ''spheres'' and ''bullets''.

Number of Breakout Tanks

There are at least 9,000 breakout tanks in the United States. This estimate is based on the results of an ''Aboveground Storage Tank Survey'' conducted for the American Petroleum Institute (API) that were presented in an April 1989 report. In that 1989 report, an estimated 9,197 breakout tanks were calculated to have a total capacity of 556,183,000 barrels. Approximately, 18% were over 100,000 barrels capacity and 71% were estimated to have been constructed since 1948.

Breakout Tank Accident Reporting

Section 195.50 ''Reporting accidents.'' sets out the requirements, including the threshold limits, for accidents to pipelines (includes accidents to breakout tanks) that are to be reported to RSPA by the operator.

Need To Adopt Industry Standards

The failure of a storage tank not associated with pipeline transportation provided much of the incentive to improve industry standards for aboveground steel storage tanks. On January 2, 1988, at a barge terminal in Florefee, Pennsylvania, a newly recommissioned 120 ft. diameter by 48 ft. high storage tank suddenly collapsed and released 3.9 million gallons of diesel oil. Although the earthen dike contained most of the diesel oil, an estimated 750,000 gallons were spilled into the Monongahela River and eventually flowed into the Ohio River. Recovery was estimated at 27.3%.

The publicity and costly consequences of this failure caused widespread concern about the safety of all aboveground storage tanks. Responding to the aftermath of this event, petroleum industry engineers instituted a review of the various industry published standards applicable to aboveground storage tanks. These reviews resulted in considerable updating of existing standards and the development of several new standards by the American Petroleum Institute.

In the 10-year period from 1987–1996, operators of breakout tanks reported 152 accidents to RSPA. These accidents caused no deaths; three injuries to pipeline personnel; $12,422,894 of property damage; and 153,972 barrels to be spilled (of which 39,087 barrels were not recovered). The three injuries occurred as a result of explosions. The causes were reported as: 25 leaks in the tank floor; 30 incorrect operations; 8 outside forces; and 26 malfunctions of control or relief equipment. The remaining 63 were related to problems with floating roof water drain lines, lightning, and miscellaneous other causes.

The pipeline safety regulations have not been revised to reflect the updating and development of new industry standards for aboveground steel storage tanks. Instead, they remain very limited in scope and too general to address many safety-related aspects. For example, in ''Subpart C—Design Requirements'', the design of breakout tanks is set out in a single sentence in § 195.132, which reads: ''Each aboveground breakout tank must be designed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.'' This fails to spell out several critical engineering subjects, such as materials, design, fabrication, erection, methods of inspecting joints, welding procedure and welder qualifications, and marking. Moreover, there is no mention of other important topics including foundations, external floating roofs, seismic design, aluminum dome roofs, internal floating roofs, undertank leak detection and subgrade protection, and requirements for operating at elevated temperatures. These topics are covered in detail in API Standard 650—''Welded Steel Tanks for Oil Storage.'' In the pipeline safety regulations for hazardous liquids, similar insufficiencies for breakout tanks exist in ''Subpart D-Construction'', ''Subpart E-Pressure Testing,'' and ''Subpart F-Operation and Maintenance.''

Consequently, RSPA recognizes the need to update the safety regulations for breakout tanks. The most appropriate means of updating is the incorporation by reference into Part 195 of selected industry consensus standards. They are widely understood and have been extensively implemented by the operators of breakout tanks.

Recommendations by Texas Transportation Institute

To obtain professional assistance in the selection of the industry standards to be incorporated into the regulations for breakout tanks, RSPA contracted with the Texas Transportation Institute (TTI) for engineering support services. TTI is associated with Texas A&M University at College Station, Texas. TTI's findings are contained in their report titled—''Engineering Support Services For The Office Of Pipeline Safety (Task 1) July 1997.''

TTI conducted a review of industry publications relating to the aboveground steel storage tanks commonly used at petroleum pipeline terminals. TTI engineers also visited 16 petroleum pipeline terminals in six states. The terminals selected were geographically dispersed in an effort to observe a sampling of the breakout tanks in the contiguous 48 states. The terminals were located in Newark, NJ; Baton Rouge, LA; Tulsa, OK; Houston, Colorado City, Kermit, and McCamey, TX; Long Beach, Morro Bay, Bakersfield and Concord, CA; and Superior, WI.

The 411 storage tanks observed at the 16 terminals had a storage capacity of 47 million barrels. Along with their site-specific observations, the TTI engineers noted that the majority of these breakout tanks were built before 1950 [apparently, these 411 tanks were constructed earlier than the estimated average age of the 9,147 tanks reported under the heading ''Number of Breakout Tanks'' (above)] and that all tanks built before 1936 were riveted. They also reported that the general condition and appearance of the tanks was excellent.

Based on their literature review, discussions with terminal personnel, and personal observations of the breakout tanks, the TTI engineers recommended the incorporation by reference into 49 CFR Part 195 of six API Standards, four API Recommended Practices, and NAPA 30, a Code published by the National Fire Protection Association. RSPA sought the input of storage tank professionals representing the API on these findings.

Pre-Notice Consultation

RSPA provided its stakeholders (i.e. operators of breakout tanks, the petroleum industry and the general public) the opportunity to provide early input on RSPA's intent to incorporate industry standards for storage tanks through a series of meetings:

- On January 29, 1997, in New Orleans, LA, at a public meeting attended by representatives of both the pipeline industry and environmental interests (public and government), a representative of OPS presented the need for updating the breakout tank regulations and announced the industry standards being considered for adoption into 49 CFR Part 195. (Notice of Public Hearing; Response Plans for Onshore Oil Pipelines) (62 FR 2989; January 21, 1997).
- On April 9, 1997, in San Diego, CA, at the 62nd API Spring Refining Meeting, a representative of OPS advised fellow members of the API Subcommittee on Pressure Vessels and Tanks of RSPA's plans to adopt certain API aboveground tank standards and portions of NFPA 30.
- On May 7, 1997, in Washington, DC, at its semi-annual meeting, a representative of OPS made a similar presentation to the Technical Hazardous Liquid Pipeline Safety Standards Committee and to others at the open meeting (Meetings of Pipeline Safety Advisory Committees) (62 FR 16212; April 4, 1997).

Consensus Standards Proposed To Be Incorporated By Reference

RSPA proposes to incorporate nine of the eleven TTI recommendations. Not proposed for adoption is API Standard 2015—''Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry from Decommissioning Through Recommissioning''. Tank cleaning is not covered under the pipeline safety regulations. The potential hazards to personnel and the environment associated with tank cleaning are covered under regulations issued by the Occupational Health and Safety Administration (OSHA) and the Environmental Protection Agency (EPA).

Also, not proposed for adoption is API Standard 2610—''Design, Construction, Operation, Maintenance, and Inspection of Terminal & Tank Facilities''. This standard is a compilation of industry knowledge, information, and management practices for all relevant aspects of terminal and tank operations aggregated into an overview document. It was prepared to be an indexing standard and references some 145 documents that were prepared and published by a myriad of federal and other national and international organizations. Consequently, API Standard 2610 is too complex for inclusion in this rulemaking.

In addition to the nine TTI documents selected, RSPA proposes to incorporate three additional documents: API Specification 12F—''Specification for Shop Welded Tanks for Storage of Production Liquids''; API Publication 2026—''Safe Descent Onto Floating Roofs of Tanks in Petroleum Service''; and API Standard 2510—''Design and Construction of LPG Installations.''

Section 195.3(c) currently lists the full title and edition of 18 publications incorporated by reference in Part 195. Now, this notice would incorporate an additional five API Standards, one API Specification, four API Recommended Practices, one API Publication, and portions of NAPA 30.

API Standards, Specifications, Recommended Practices, Publications and NAPA 30

In the preamble of this notice the term ''standard(s)'' has been used generically to describe certain industry consensus documents developed for aboveground steel petroleum storage tanks. More specifically, the API standards selected for incorporation by reference have been classified by API as Standards, Specifications, Recommended Practices, and Publications. Similarly, NFPA 30 has been classified by the NFPA as a Code. RSPA understands that these classifications have been chosen to indicate the varying levels of prescriptiveness intended by the publishers.

This proposal attempts to follow the intended level of prescriptiveness between these Standards, Specifications, Codes, Recommended Practices, and Publications. However, this proposal provides clarification necessary for incorporation into Federal rules. Accordingly, for this rulemaking, operators of breakout tanks would be expected to comply with these industry classifications as follows:

- Standard, Specification or Code—An operator would be expected to comply with the provisions as though they were printed in full in Part 195.
- Recommended Practice—An operator would be expected to follow the provisions unless the operator notes in the procedural manual the reasons why compliance with all or certain provisions is not necessary for the safety of a particular breakout tank or tanks.
- Publication—These provisions provide guidelines, safety practices and precautions for the operator's review and consideration for inclusion in the procedural manual.

Documents [1] To Be Incorporated by Reference

1. API SPECIFICATION 12F—Specification for Shop Welded Tanks for Storage of Production Liquids, Eleventh Edition, November 1, 1994.

This specification covers materials, design, fabrication, and testing requirements for aboveground shop-fabricated vertical, cylindrical, closed top, welded steel breakout tanks for nominal capacities of 90 to 750 barrels and internal pressures that are approximately atmospheric.

This specification is designed to provide tanks for use in the storage of crude petroleum and other liquids commonly handled and stored by the oil production segment of the industry. [However, these storage tanks are occasionally located on crude oil pipeline systems and a few are known to be breakout tanks.]

This specification contains Appendices A through F. Appendix A discusses tank bolting. Appendix B discusses normal venting. Appendix C discusses emergency venting. Appendix D discusses walkways, stairways and ladders. Appendix E discusses details of purchase order with the manufacturer. Appendix F discusses the use of the API Monogram.

2. API STANDARD 620—Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Ninth Edition, February 1996 (Including Addenda 1 and 2)

This standard covers materials, design, fabrication, inspection and testing, marking and pressure- and vacuum-relieving devices for large, welded, low pressure carbon steel aboveground storage tanks (including flat-bottom tanks) that have wall shapes that can be generated by a contour around a single vertical axis of revolution. This standard is applicable to tanks that are intended to: (a) hold or store liquids with gases or vapors above their surface; or (b) hold or store gases or vapors alone.

The tanks described in this standard are designed for metal temperatures not greater than 250°F and with pressures in their gas or vapor spaces not more than 15 psig. This standard is applicable to tanks installed in areas where the lowest recorded one-day mean atmospheric temperature is -50°F. [Although tanks designed to this standard are more commonly found in other petroleum facilities, a few are located on pipeline systems and known to be breakout tanks.]

The standard contains Appendices A through R. Appendix A discusses definitions. Appendix B discusses use of materials not identified with listed specifications. Appendix C discusses suggested practice regarding foundations. Appendix D discusses suggested practice regarding supporting structures. Appendix E discusses suggested practice regarding attached structures (internal & external). Appendix F discusses examples illustrating application of rules to various design problems. Appendix G discusses considerations regarding corrosion allowance and hydrogen-induced cracking. Appendix H discusses recommended practice for use of preheat, post-heat, and stress relief. Appendix I discusses suggested practice for peening. Appendix J discusses technical inquiries. Appendix K discusses the suggested practice for determining the relieving capacity required. Appendix L discusses seismic design. Appendix M discusses recommended scope of manufacturer's report. Appendix N discusses installation of pressure-relieving devices. Appendix O discusses suggested practice regarding installation of low-pressure tanks. Appendix P is blank and reserved for future use. Appendix Q discusses low-pressure storage tanks for liquefied hydrocarbon gases at temperatures between −60°F and −270°F. Appendix R discusses low-pressure storage tanks for refrigerated products at temperatures from +40°F to −60°F.

3. API STANDARD 650—Welded Steel Tanks for Oil Storage, Ninth Edition, May 1993 (Including Addenda 1 through 4)

This standard covers material, design, fabrication, erection (including inspection, testing & repairs), inspecting joints, welding procedure and welding qualifications, and marking for vertical, cylindrical, aboveground, closed- and open-top, welded steel storage tanks in various sizes and capacities for internal vapor or gas pressures approximating atmospheric pressure (not greater than 2.5 psig or not exceeding the weight of the roof plates), except when designed for tanks subject to seismic loading. This standard applies only to tanks whose entire bottoms are uniformly supported and to tanks in nonrefrigerated service that have a maximum operating temperature of 200°F.

This standard contains Appendices A through P and Appendix S. Appendix A discusses optional design for small tanks. Appendix B discusses design and construction of foundations. Appendix C discusses external floating roofs. Appendix D discusses submission of technical inquiries. Appendix E discusses seismic design. Appendix F discusses design for small internal pressures. Appendix G discusses structurally supported aluminum dome roofs. Appendix H discusses internal floating roofs. Appendix I discusses undertank leak detection and subgrade protection. Appendix J discusses complete shop assembly of vertical tanks not exceeding 20 feet in diameter. Appendix K discusses variable-design-point method. Appendix L discusses data sheets for purchaser when ordering and manufacturer when completing construction. Appendix M discusses requirements for tanks operating at temperatures 200°F to 500°F. Appendix N discusses use of new or unused materials not completely identified. Appendix O discusses under-bottom connections. Appendix P discusses allowable external loads on tank shell openings. Appendix S discusses austenitic stainless steel storage tanks.

4. API RECOMMENDED PRACTICE 651—Cathodic Protection of Aboveground Petroleum Storage Tanks, Second Edition, Dec. 1997

The purpose of this recommended practice is to present procedures and practices for achieving effective corrosion control on aboveground storage tank bottoms through the use of cathodic protection. It contains provisions for the application of cathodic protection to new and existing storage tanks. Corrosion control methods based on chemical control of the environment or the use of protective coatings are not covered in detail.

The intent is to provide information and guidance specific to aboveground steel storage tanks in hydrocarbon service. Specific cathodic protection designs are not provided. Such designs should be provided by a person thoroughly familiar with cathodic protection practices.

5. API RECOMMENDED PRACTICE 652—Lining of Aboveground Petroleum Storage Tank Bottoms, Second Edition, December 1997

This recommended practice presents procedures and practices for achieving effective corrosion control in aboveground storage tanks by application of tank bottom linings to both existing and new storage tanks. In many cases, tank bottom linings have proven to be an effective method of

[1] The descriptions of these documents are excerpted from material in the introductory paragraphs and other parts and appendices of the listed documents. They do not summarize all the provisions in these documents.

preventing internal corrosion of steel tank bottoms.

The intent of this recommended practice is to provide information and guidance specific to aboveground steel storage tanks in hydrocarbon service. It is intended to serve only as a guide and detailed tank bottom specifications are not included.

6. API STANDARD 653—Tank Inspection, Repair, Alteration, and Reconstruction, Second Edition, December 1995 (Including Addenda 1 and 2)

This standard covers carbon and low alloy steel tanks built to API Standard 650 or its predecessor Standard 12C. It provides minimum requirements for maintaining the integrity of welded or riveted, non-refrigerated, atmospheric pressure, aboveground storage tanks after they have been placed in service. It covers the maintenance inspection, repair, alteration, relocation and reconstruction of such tanks. It discusses tank evaluation, brittle fracture considerations, inspection, materials, design considerations for reconstruction, repair and alteration, dismantling and reconstruction, examination and testing, marking and record keeping.

The scope is limited to the tank foundation, bottom, shell, structure, roof, attached appurtenances, and nozzles to the face of the first flange, first threaded joint, or first welding-end connection. Many of the design, welding, examination, and material requirements of API Standard 650 can be applied in the maintenance inspection, rating, repair, and alteration of in-service tanks. In case of an apparent conflict between the requirements of API standard 653 and API Standard 650 or its predecessor Standard 12C, this standard shall govern for tanks that have been placed in service.

This standard employs the principles of API Standard 650. However, storage tank owners/operators, based on consideration of specific construction and operating details, may apply this standard to any steel tank constructed in accordance with a tank specification.

This standard covers the varied conditions which may occur in an existing tank. When design and construction details are not given, and are not available in the standard to which the tank was originally constructed, then details that will provide a level of integrity equal to the level provided by the current edition of API Standard 650 must be used.

This standard contains Appendices A through E. Appendix A provides a table listing past editions of API welded storage tank standards. Appendix B discusses evaluation of tank bottom settlement. Appendix C provides sample checklists for internal and external inspection of tanks. Appendix D provides information and forms relating to the API Authorized Inspector Certification Program. Appendix E discusses the procedure for submission of technical inquiries.

7. API STANDARD 2000—Venting Atmospheric and Low-Pressure Storage Tanks, Fourth Edition, September 1992

This standard covers the normal and emergency venting requirements for liquid petroleum or petroleum products storage tanks and aboveground and underground refrigerated storage tanks designed for operation at pressures from vacuum through 15 psig (1.034 bar gauge). Discussed in this standard are the causes of overpressure or vacuum, determination of venting requirements, means of venting, selection, installation, and maintenance of vents, and testing and marking of relief devices. Detailed engineering studies of a particular tank and its operating conditions may indicate that the appropriate venting capacity for the tank is not the venting capacity estimated in accordance with this standard. If a tank's operating conditions could deviate from those used in developing this standard, detailed engineering studies should be performed.

This standard contains Appendices A through C. Appendix A discusses thermal venting and oil movement venting. Appendix B discusses the basis of the emergency venting tables. Appendix C discusses the types and operating characteristics of vents.

8. API RECOMMENDED PRACTICE 2003—Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents, Fifth Edition, December 1991

This recommended practice presents the current technology in the fields of static electricity, lightning, and stray currents applicable to the prevention of hydrocarbon ignition. The recommendations for protection are based on research and practical experience in the petroleum industry. Their use should lead to improved safety practices and evaluations of existing installations and procedures.

This recommended practice contains Appendices A through D. Appendix A discusses the fundamentals of static electricity. Appendix B discusses the measurement and detection of static electricity. Appendix C is a static ignition questionnaire developed to permit recording and transmittal of circumstances involved in an ignition from static electricity. Appendix D is a bibliography supporting restrictions given in the text.

9. API PUBLICATION 2026—Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service, Second Edition, April 1998

This publication addresses the hazards associated with access/egress onto open-top, covered open-top and internal floating roofs of in-service petroleum storage tanks and identifies some of the most common practices and procedures for safely accomplishing this activity.

This publication is intended primarily for those persons who are required to perform inspection, service, maintenance or repair activities that involve descent onto floating roofs of in-service petroleum tanks.

This publication does not cover general considerations that apply to climbing onto petroleum storage tanks and other structures, including, but not limited to: (a) slippery or ice-covered stairways and walkways, (b) access during electrical storms, and (c) access during emergency conditions (such as to extinguish a fire or cover exposed product with foam). This publication may not apply to daily or routine tasks of tank gaugers and other personnel involved in non-permit confined spaces; however, such persons shall be trained and shall be made aware of the potential hazards described herein.

Preparations and precautions for entering petroleum storage tanks that have been removed from service for cleaning are covered in API Standard 2015.

10. API RECOMMENDED PRACTICE 2350—Overfill Protection for Storage Tanks in Petroleum Facilities, Second Edition, Jan. 1996

Preventing petroleum storage tanks from being overfilled is an important safety and environmental concern. The safe operation of a petroleum storage facility is dependent upon the receipt of product into the intended storage tank within its defined capacity. Aboveground storage tank overfills can be effectively reduced by developing and implementing practical and safe operating procedures for storage facilities and by providing for careful selection of equipment, scheduled maintenance programs, and employee training.

Recognizing the need for flexibility, this recommended practice covers both manual procedures and automatic

systems that can be used to protect against overfills.

This recommended practice contains Appendices A through C. Appendix A discusses overfill protection system installation. Appendix B discusses determination of tank capacity and product levels. Appendix C discusses overfill protection equipment.

11. API STANDARD 2510—Design and Construction of LPG Installations, Seventh Edition, May 1995.

This standard is written to cover the design, construction, and location of liquefied petroleum gas (LPG) installations at pipeline terminals, tank farms, and at other facilities specified in the standard. The standard is written for LPG tanks with pressures in their gas or vapor spaces greater than 15 psig.

However, for the purposes of this rulemaking only the sections relating to: the design and construction of LPG tanks; spill containment; tank foundations and supports; and tank accessories including pressure-and vacuum-relieving devices, are proposed for incorporation by reference into Part 195.

This standard is not intended to apply to the design, construction, or relocation of frozen earth pits, underground storage caverns or wells, underground or mounded storage tanks, and aboveground concrete storage tanks. Moreover, this standard also is not intended to apply to the following installations:

a. Those covered by API Standard 2508—''Design and Construction of Ethane and Ethylene Installations at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, Petrochemical Plants, and Tank Farms''. [API lists this standard as Out-of-Print.]

b. Those covered by NFPA 58—''Storage and Handling of Liquefied Petroleum Gases'; and NFPA 59—''Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants''.

c. U.S. Department of Transportation (DOT) containers.

d. Gas utility company facilities; refinery equipment; gas processing equipment; and transfer systems from process equipment before LPG storage.

e. Tanks with less than 2,000 gallons of storage capacity.

This standard contains Appendix A. Appendix A discusses Piping, Valves, Fittings, and Optional Equipment.

12. NFPA 30—Flammable and Combustible Liquids Code, 1996 Edition.

NFPA Code 30 applies to the storage, handling and use of flammable liquids and combustible liquids. Such liquids are defined and classified in Chapter 1 ''General Provisions''. In Section 1–7.3.1 ''Flammable Liquids'', liquids are classified as ''Class I liquids'' by laboratory procedures that determine their closed-cup flash point and their Reid vapor pressure. In Section 1–7.3.1 such ''Class I liquids'' may be further classified as Class IA liquids, Class IB liquids, or Class IC liquids.

In Chapter 2 ''Tank Storage'', Section 2–3.4.3 applies to impounding around tanks by diking. In this section the impounded liquids are identified as ''Class I liquids''. Although the great majority of hazardous liquids stored in breakout tanks are ''Class I liquids'', that term is not used in part 195. Therefore, for the purposes of adopting Section 2–3.4.3 into part 195, the term ''Class I liquids'' must be replaced by ''hazardous liquids'.

Section 2–3.4.3 Impounding Around Tanks by Diking

Describes the protection of adjoining property or waterways by diking around aboveground storage tanks.

Section 2–3.4.2 Remote Impounding

Describes the protection of adjoining property or waterways by drainage to a remote impounding area, so that the impounded liquid will not be held against the aboveground storage tanks.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The Department of Transportation (DOT) does not consider this action to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; October 4, 1993) and was not reviewed by the Office of Management and Budget. DOT does not consider this action significant under DOT's regulatory policies and procedures (44 FR 11034; February 26, 1979).

This NPRM would amend the regulations for breakout tanks to include the incorporation by reference of certain of the latest industry published standards for aboveground storage tanks. The adoption of industry standards is consistent with the President's goal of regulatory reinvention and improvement of customer service to the American people. There is minimal or no cost for operators of breakout tanks to comply with this rule because these consensus standards have been developed and implemented by industry organizations to ensure the safety of aboveground petroleum storage tanks.

The proposed standards for steel storage tanks were specifically developed by the API. API is the major petroleum industry trade organization and many of its members are operators of petroleum pipelines with tank farms. Additionally, the proposed standard for secondary containment is taken from an NFPA code that is a widely used industry standard for the design of diking (containment by impounding) for aboveground storage tanks. The NFPA is an association with a membership of more than 67,000 individuals and over 100 national trade and professional organizations. Its mission is to reduce the burden of fire on the quality of life by advocating scientifically based consensus codes and standards, research, and education for fire and safety issues.

The operators of breakout tanks storing hazardous liquids are very familiar with these API storage tank and NFPA diking standards because they have been extensively implemented at pipeline terminals throughout the United States. Conversations with an industry storage tank organization representing medium and smaller operators of breakout tanks confirm that most of their members are already complying with the proposed tank standards. Because the economic impact of this proposal is minimal, the incorporation by reference of these industry published standards does not warrant preparation of a Regulatory Evaluation.

For several years, OMB Circular A–119, ''Federal Participation in the Development and Use of Voluntary Standards'', encouraged, but did not require, agencies to participate in consensus standards bodies and to adopt voluntary consensus standards whenever possible. The National Technology Transfer and Advancement Act of 1995 (NTTAA, Pub. L. 104–113) codified and expanded the participation and reporting requirement of OMB Circular A–119. Federal agencies and departments are now required to use technical standards that are developed and adopted by voluntary consensus bodies, where practicable. RSPA's proposed adoption of the API and NFPA standards for petroleum storage tanks meets the goals and requirements set forth in both OMB Circular A–119 and NTTAA.

B. Regulatory Flexibility Act

As discussed above, RSPA is proposing the incorporation of consensus standards that were developed and published by authoritative organizations associated with the petroleum industry. Consequently, these safety standards are well known and have been

implemented by operators of aboveground storage tanks at hazardous liquid pipeline terminals throughout the United States. RSPA has had conversations with an operators' association representing these tank farms and with other persons and those parties do not expect this proposal to have a significant economic impact on the smaller operators of breakout tanks. Nonetheless, RSPA is particularly interested in receiving comments from any small business operators believing otherwise.

Moreover, in the event that some operators of breakout tanks have not yet implemented all the safety-related items in these industry developed standards, the regulations proposed in this notice would allow operators 18 months for compliance after the date of publication the final rule.

Therefore, based on the facts available which indicate the anticipated minimal impact of this rulemaking action, I certify, pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Federal Assessment

The proposed rulemaking action would not have substantial direct effects on states, on the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with the Executive Order 12612 (52 FR 41685; Oct. 30, 1987), RSPA has determined that the action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Unfunded Mandates

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of over $100 million or more to either state, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

E. Paperwork Reduction Act

The proposed API Standard 653 includes sample checklists, provided for the operators periodic inspection of welded or riveted, non-refrigerated, atmospheric pressure, aboveground steel storage tanks. The checklists identify the tank components and auxiliary items that should be considered for inspection and provides blank spaces for insertion of the inspection date and notation of the inspector's comments (if any). The use of the checklists improves the effectiveness and minimizes the paperwork burden associated with the existing inspection requirements in 49 CFR Section 195.432. This API standard has been published for several years and during that time it has been available to all operators of petroleum storage tanks (i.e. refinery, marketing, production and pipeline).

For the API Recommended Practices referred to in this rulemaking, it is stated that the operator would be expected to follow the provisions unless the operator notes in the procedural manual the reasons why compliance with all or certain provisions is not necessary for the safety of a particular breakout tank or tanks. Each operator's procedural manual already requires the inclusion and updating of similar safety-related procedures and practices, so that such annotation is consistent with the long standing function of the procedural manual. Moreover, most operators already follow the API Recommended Practices that are proposed for adoption and would not need to make such an annotation in the procedural manual.

Therefore, there is no additional burden and no paperwork analysis is required for this proposal.

List of Subjects in 49 CFR Part 195

Carbon dioxide, Incorporation by reference, Hazardous liquids, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend Part 195 of title 49 of the Code of Federal Regulations as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE [AMENDED]

1. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Section 195.3 would be amended by adding paragraphs (b)(7),(c)(2)(iv) through (c)(2)(xiv), and (c)(6) and revising paragraph (c)(3)(v) to read as follows:

§ 195.3 Matter incorporated by reference.

* * * * *

(b) * * *

(7) National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101.

(c) * * *

(2) * * *

(iv) API Specification 12F ''Specification for Shop Welded Tanks for Storage of Production Liquids'' (Eleventh Edition, November 1, 1994).

(v) API Standard 620 ''Design and Construction of Large, Welded, Low-Pressure Storage Tanks'' (Ninth Edition, February 1996, Including Addenda 1 and 2).

(vi) API Standard 650 ''Welded Steel Tanks for Oil Storage'' (Ninth Edition, February 1996 (Including Addenda 1 through 4).

(vii) API Recommended Practice 651 ''Cathodic Protection of Aboveground Petroleum Storage Tanks'' (Second Edition, Dec. 1997).

(viii) API Recommended Practice 652 ''Lining of Aboveground Petroleum Storage Tanks Bottoms'' (Second Edition, December 1997).

(ix) API Standard 653 ''Tank Inspection, Repair, Alteration, and Reconstruction'' (Second Edition, December 1995 (Including Addenda 1 and 2).

(x) API Standard 2000 ''Venting Atmospheric and Low-Pressure Storage Tanks'' (Fourth Edition, September 1992).

(xi) API Recommended Practice 2003 ''Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents' (Fifth Edition, December 1991).

(xii) API Publication 2026 ''Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service'' (Second Edition, April 1998).

(xiii) API Recommended Practice 2350 ''Overfill Protection for Storage Tanks In Petroleum Facilities'' (Second Edition, January 1996).

(xiv) API Standard 2510 ''Design and Construction of LPG Installations'' (Seventh Edition, May 1995).

* * * * *

(3) * * *

(v) ASME Boiler and Pressure Vessel Code, Section VIII ''Pressure Vessels,'' Division 1 and 2. (1995 edition with 1995 Addenda).

* * * * *

(6) National Fire Protection Association (NFPA):

(i) ANSI/NFPA 30 ''Flammable and Combustible Liquids Code,'' (1996).

(ii) [Reserved]

3. Section 195.132 would be revised to read as follows:

§ 195.132 Design and construction of breakout tanks.

(a) Breakout tanks must be designed and constructed to withstand the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.

(b) For aboveground breakout tanks first placed in service on or after [18

months after date of publication of final rule], compliance with paragraph (a) of this section requires one of the following:

(1) Shop-fabricated, vertical, cylindrical, closed top, welded steel tanks with nominal capacities of 90 to 750 barrels (14.3 to 119.2 m^3) and internal pressures that are approximately atmospheric must be designed and constructed in accordance with API Specification 12F.

(2) Welded, low-pressure (i.e., internal vapor space not greater than 15 psig (103.4 kPa)), carbon steel tanks that have wall shapes that can be generated by a single vertical axis of revolution must be designed and constructed in accordance with API Standard 620.

(3) Vertical, cylindrical, welded steel tanks with pressures approximating atmospheric pressures (i.e., internal vapor pressures not greater than 2.5 psig (17.2 kPa), or not greater than the weight of the roof plates) must be designed and constructed in accordance with API Standard 650.

(4) High pressure steel tanks (i.e., pressures in their gas or vapor space greater than 15 psig (103.4 kPa)) with a nominal capacity of 2000 gallons (7571 liters) or more of liquefied petroleum gas (LPG) must be designed and constructed in accordance with API Standard 2510.

4. Section 195.205 would be added to read as follows:

§ 195.205 Repair, alteration and reconstruction of breakout tanks that have been in service.

(a) Breakout tanks that have been repaired, altered, or reconstructed and returned to service must be capable of withstanding the internal pressure produced by the hazardous liquid to be stored therein and any anticipated external loads.

(b) On or after [18 months after date of publication of final rule], compliance with paragraph (a) of this section requires the following for the aboveground breakout tanks specified:

(1) For atmospheric pressure tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated and others (such as those built to API Standard 650 or its predecessor Standard 12C), repair, alteration, and reconstruction must be in accordance with API Standard 653.

(2) For tanks built to API Specification 12F, API Standard 620, or API Standard 2510, the repair, alteration, and reconstruction, must be in accordance with those respective standards.

5. Section 195.242 would be amended by adding paragraphs (c) and (d) to read as follows:

§ 195.242 Cathodic protection system.

* * * * *

(c) For the bottoms of aboveground breakout tanks, with greater than 500 barrels (79.5 m^3) capacity, built to API Specification 12F, API Standard 620, and others (such as API Standard 650 or its predecessor Standard 12C), the installation of a cathodic protection system under paragraph (a) of this section on or after [18 months after date of publication of final rule] must be in accordance with API Recommended Practice 651, unless the operator notes in the procedural manual (§ 195.402(c)) why compliance with all or certain provisions of API Recommended Practice 651 is not necessary for the safety of a particular breakout tank.

(d) For the internal bottom of aboveground breakout tanks, built to API Specification 12F, API Standard 620 and others (such as API Standard 650 or its predecessor Standard 12C), the installation of a tank bottom lining on or after [18 months after date of publication of final rule] must be in accordance with API Recommended Practice 652, unless the operator notes in the procedural manual (§ 195.402(c)) why compliance with all or certain provisions of API Recommended Practice 652 is not necessary for the safety of a particular breakout tank.

6. Section 195.264 would be revised to read as follows:

§ 195.264 Secondary containment, protection against entry, normal/emergency venting or pressure/vacuum relief for aboveground breakout tanks.

(a) A means must be provided for containing hazardous liquids in the event of spillage or failure of an aboveground breakout tank.

(b) On or after [18 months after date of publication of final rule], compliance with paragraph (a) of this section requires the following for the aboveground breakout tanks specified:

(1) For tanks built to API Specification 12F, API Standard 620, and others (such as API Standard 650 or its predecessor Standard 12C), the installation of secondary containment must be in accordance with the following sections of NFPA 30:

(i) Secondary containment by impounding around a breakout tank must be installed in accordance with Section 2–3.4.3 ''Impounding around Tanks by Diking'', except that ''hazardous liquids'' must be substituted for the term ''Class I liquids'' wherever that term appears in Section 2–3.4.3; and

(ii) Secondary containment by drainage to a remote impounding area must be installed in accordance with Section 2–3.4.2 ''Remote Impounding.''

(2) For tanks built to API Standard 2510, the installation of secondary containment must be in accordance with Sections 3 or 9 of API Standard 2510.

(c) Breakout tank areas must be adequately protected against unauthorized entry.

(d) Normal/emergency relief venting must be provided for each atmospheric pressure breakout tank. Pressure/vacuum-relieving devices must be provided for each low-pressure and high-pressure breakout tank.

(e) For normal/emergency relief venting and pressure/vacuum-relieving devices installed on aboveground breakout tanks on or after [18 months after date of publication of final rule], compliance with paragraph (d) of this section requires the following for the tanks specified:

(1) Normal/emergency relief venting installed on atmospheric pressure tanks built to API Specification 12F must be in accordance with Section 4, and Appendices B and C, of API Specification 12F.

(2) Normal/emergency relief venting installed on atmospheric pressure tanks (such as those built to API Standard 650 or its predecessor Standard 12C) must be in accordance with API Standard 2000.

(3) Pressure-relieving and emergency vacuum-relieving devices installed on low pressure tanks built to API Standard 620 must be in accordance with Section 7 of API Standard 620 and its references to the normal and emergency venting requirements in API Standard 2000.

(4) Pressure and vacuum-relieving devices installed on high pressure tanks built to API Standard 2510 must be in accordance with Sections 5 or 9 of API Standard 2510.

7. Section 195.305 would be added to read as follows:

§ 195.305 Pressure testing breakout tanks.

(a) For breakout tanks built to API Specification 12F and first placed in service on or after [18 months after date of publication of final rule], pneumatic testing must be in accordance with Section 5.3 of API Specification 12F.

(b) For breakout tanks built to API Standard 620 and first placed in service on or after [18 months after date of publication of final rule], hydrostatic and pneumatic testing must be in accordance with Section 5.18 of API Standard 620.

(c) For breakout tanks built to API Standard 650 and first placed in service

on or after [18 months after date of publication of final rule], hydrostatic and pneumatic testing must be in accordance with Section 5.3 of API Standard 650.

(d) For atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated and others (such as those that were built to API Standard 650 or its predecessor Standard 12C), that are returned to service on or after [18 months after date of publication of final rule], the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in Section 10.3 of API Standard 653.

(e) For breakout tanks built to API Standard 2510 and first placed in service on or after [18 months after date of publication of final rule], pressure testing must be in accordance with ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 or 2.

8. Section 195.405 would be added to read as follows:

§ 195.405 Protection against ignitions and safe access/egress involving floating roofs.

(a) Protection provided on or after [18 months after date of publication of final rule] against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks, must be in accordance with API Recommended Practice 2003, unless the operator notes in the procedural manual (§ 195.402(c)) why compliance with all or certain provisions of API Recommended Practice 2003 is not necessary for the safety of a particular breakout tank.

(b) The hazards associated with access/egress onto floating roofs of in-service breakout tanks to perform inspection, service, maintenance or repair activities (other than specified general considerations, specified routine tasks or entering tanks removed from service for cleaning) are addressed in API Publication 2026. On or after [18 months after date of publication of final rule] the operator must review and consider the potentially hazardous conditions, safety practices and procedures in API Publication 2026 for inclusion in the procedure manual (§ 195.402(c)).

9. Section 195.416 would be amended by adding paragraph (j) to read as follows:

§ 195.416 External corrosion control.

* * * * *

(j) For breakout tanks where corrosion of the tank bottom is controlled by a cathodic protection system, the cathodic protection system must be inspected to ensure it is operated and maintained in accordance with API Recommended Practice 651, unless the operator notes in the procedure manual (§ 195.402(c)) why compliance with all or certain provisions of API Recommended Practice 651 is not necessary for the safety of a particular breakout tank.

10. Section 195.428 would be amended by revising the title and by adding paragraphs (c), (d) and (e) to read as follows:

§ 195.428 Overpressure safety devices and overfill protection systems.

* * * * *

(c) Except as provided in paragraph (d) of this section, aboveground breakout tanks must have an overfill protection system in accordance with API Recommended Practice 2350, on or after [18 months after date of publication of final rule], unless the operator notes in the procedural manual (§ 195.402(c)) why compliance with all or certain provisions of API Recommended Practice 2350 is not necessary for the safety of a particular breakout tank. However, API Recommended Practice 2350 does not apply to tanks with less than 600 gallons (2271 liters) of storage capacity.

(d) Breakout tanks that were built to API Standard 2510 must have an overfill protection system in accordance with Section 5.1.2 of API Std. 2510 on or after [18 months after date of publication of final rule].

(e) The inspection and testing of each overfill protection system on or after [18 months after date of publication of final rule] must be in accordance with the requirements for inspection and testing of pressure control equipment in paragraphs (a) and (b) of this section.

11. Section 195.432 would be revised to read as follows:

§ 195.432 Inspection of in service Breakout tanks.

(a) Each operator shall, at intervals not exceeding 15 months, but at least once each calendar year, inspect each breakout tank (including atmospheric and pressure tanks).

(b) On or after [18 months after date of publication of final rule], compliance with paragraph (a) of this section for the inspection of the breakout tanks specified requires the following:

(1) For tanks that are constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated (such as atmospheric tanks built to API Standard 650 or its predecessor Standard 12C), the integrity inspection must be in accordance with Section 4 of API Standard 653.

(2) [Reserved].

Issued in Washington, DC on May 15, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98–13579 Filed 5–20–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA–97–3251]

RIN 2127–AG67

Consumer Information Regulations; Uniform Tire Quality Grading Standards

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking action follows the agency's granting of a petition filed by the Association of International Automobile Manufacturers (AIAM) for rulemaking to amend the Uniform Tire Quality Grading Standards (UTQGS) to remove the requirement that vehicle manufacturers provide general UTQGS information to purchasers and potential purchasers at the point of sale of new motor vehicles. That information is normally provided in leaflets that inform customers of the existence of the UTQGS, explain their purpose, and explain how consumers can use UTQGS information in purchasing replacement tires for passenger motor vehicles. Because new passenger cars are typically equipped with tires from any one of a number of tire manufacturers, the leaflets do not contain any information on the tires provided on a specific vehicle.

Pursuant to the AIAM petition, the agency proposes to amend the consumer information regulation by removing the requirement that motor vehicle manufacturers provide general UTQGS information to purchasers and prospective purchasers of new motor vehicles at the point of sale, requiring instead that such information be included in owners' manuals, as some auto manufacturers already do. Elimination of the point-of-sale requirement would remove a burden on motor vehicle manufacturers and dealers, yet should have little effect on consumers. NHTSA believes that the general UTQGS information is of little value to consumers at the point of sale of new vehicles because the vehicles are sold with tires selected by the