§ 1504.804–5 [Amended]

2. Section 1504.804–5 is amended by revising the reference ''1542.708'' to read ''FAR 42.708.''

§ 1542.708 [Removed]

3. Section 1542.708 is removed.

4. Section 1552.209–71 is amended by revising ''ALTERNATE I to Paragraph (e)'' to read as follows:

§§ 1552.209–71 Organizational conflicts of interest.

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ORGANIZATIONAL CONFLICTS OF INTEREST (MAY 1994)

* * * * *

ALTERNATE I

Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (e).

(e) The Contractor agrees to insert in each subcontract or consultant agreement placed hereunder provisions which shall conform substantially to the language of this clause, including this paragraph, unless otherwise authorized by the contracting officer.

§ 1552.211–70 [Amended]

5. Section 1552.211–70 and ALTERNATE I is amended by revising the OMB clearance number 2030–0005 expiration date of ''May 31, 1986'' to read ''January 31, 2000.''

§ 1552.216–74 [Amended]

6. Section 1552.216–74 is amended by revising the reference in paragraph (b) ''1552.212–70'' to read ''1552.211–73.''

Dated: August 24, 1998.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 98–23816 Filed 9–2–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by Dr. Richard H. McSwain to regulate the bottom of automotive fuel tanks to protect them from rupture by roadway hazards. Neither the information submitted by the petitioner nor information otherwise available to the agency indicate that the matter identified by the petitioner is a safety problem warranting regulatory action.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–4923. Facsimile (202) 366–4329.

For legal issues: Nicole Fradette, Office of Chief Counsel, NCC–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2992. Facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION: By petition dated July 17, 1997, Dr. Richard H. McSwain requested the agency to issue a regulation that would protect the bottom of automotive fuel tanks from roadway hazards. The petitioner asserted that, over the past five years, numerous deaths have occurred from vehicle fires caused by the rupture of the bottom of the vehicle's fuel tank by roadway hazards.[1] Dr. McSwain did not quantify the number of those deaths, but did enclose news articles about several allegedly related crashes. He also stated that European motor vehicle standards require the protection of the fuel tank bottom and enclosed Volume 2 of the German ''Motor Vehicle Construction and Use Regulations'' (1995) and Economic Commission for Europe (ECE) Regulation No. 34, ''Uniform Provision Concerning the Approval of Vehicles with Regard to the Prevention of Fire Risks'' (01 Series, Addendum 33 to Amendment 1, January 18, 1979).

The petitioner also stated that several U.S. government agencies have recognized the need for protection of fuel tank bottoms. In support of that claim, he enclosed a 1970 Multidisciplinary Accident Investigation report of a case involving a vehicle fire prepared for the U.S. National Highway Safety Bureau (NHSB), a predecessor of NHTSA. The NHSB study examined a major vehicle fire that occurred following a severe crash in which the vehicle's structure was severely deformed, compressing the fuel tank between the left and right frame rails. The tank ruptured at the seams, allowing fuel to escape. The fuel was ignited by the sparks created when the vehicle hit a concrete culvert. The NHSB study recommended incorporating additional protection in fuel tanks to prevent them from rupturing in a crash. The study also recommended installing a protective lining inside of the fuel tank to prevent fuel spillage in the event of a fuel tank rupture.

The petitioner also submitted a 1984 National Transportation Safety Board (NTSB) Safety Recommendation directed to the Motor Vehicle Manufacturers Association (MVMA). The NTSB recommendations were the result of a study of a severe crash that occurred when 22 vehicles drove at speeds ranging from 5 to 50 mph into the dense smoke of a grass fire and were involved in multiple collisions. The fuel tanks of seven of the vehicles ruptured, spilling fuel. The fuel ignited and a major fire ensued. The NTSB study encouraged vehicle manufacturers to develop and apply more effective technology to ensure fuel system integrity during high speed crashes.

To promulgate or amend a vehicle safety requirement, NHTSA must decide that a safety problem exists, that the problem is significant enough to warrant regulation, and that the requirement would reduce the problem and thus meet the need for motor vehicle safety. In this instance, NHTSA has found no basis for concluding that there is a safety problem warranting regulatory action with respect to the rupturing of the bottom of fuel tanks by roadway hazards.

Although the petitioner enclosed several news accounts of vehicle fires caused by ruptured fuel tanks, specifically four news items of severe crashes, and two old case studies of severe crashes, he did not demonstrate that there was a significant safety problem with vehicle fuel tank ruptures by roadway hazards. Further, NHTSA is not aware of information from other sources, including its own, demonstrating the existence of a significant problem.

Most of the information submitted by the petitioner does not appear to relate to the issue of the susceptibility of the bottom of fuel tanks to rupture by roadway hazards. The agency notes that the vehicle fire discussed in the NHSB study occurred when the fuel tank ruptured due to the intrusion of the vehicle frame into the sides, not the bottom, of the fuel tank. The NHSB study did not specifically recommend regulating the bottom of fuel tanks. Further, the 1984 NTSB study recommended that the MVMA develop and apply more effective technology to reduce breaches in the fuel system and to minimize any fuel loss if a breach occurs, particularly in crashes involving

[1] The petitioner did not define what he meant by ''roadway hazards.'' The agency understands the petitioner to be referring to roadway debris and not the roadway elements, such as guardrails and curbs.

high speed differentials. The NTSB study did not specifically recommend regulating the underside of fuel tanks.

The agency notes that, contrary to the petitioner's statement, neither the 1979 ECE Reg. No. 34 nor the 1995 German ''Motor Vehicle Construction and Use Regulations'' specify tests for the bottom of fuel tanks. Moreover, NHTSA has compared Federal Motor Vehicle Safety Standard (FMVSS) No. 301, Fuel System Integrity, to several foreign fuel system integrity standards, including ECE Reg. No. 34, and determined that NHTSA's standard requires more stringent crash tests than the ECE standard (60 FR 18566; April 12, 1995). As to the media reports about particular crashes that the petitioner believes involved the rupturing of the bottom of fuel tanks, the agency notes that only one of the four news reports clearly stated that the vehicle fire was caused by the rupture of the underside of the vehicle's fuel tank by roadway debris. The other three reports simply stated that the vehicles' fuel tanks ruptured after the vehicles struck a guardrail and, in one case, rolled over. Although the three reports did not specify the location of the ruptures, the description of the crashes indicate that the ruptures did not occur in the underside of the vehicles.

In addition to the information submitted by the petitioner, the agency considered its own information. As part of its research now underway relating to a possible upgrade of FMVSS No. 301, (49 CFR 571.301), NHTSA has collected data regarding vehicle crash fires. The data do not show a significant problem with vehicle fires resulting from the rupture of fuel tanks by roadway debris. According to a review of 1993–1995 Fire Case Reports from the National Automotive Sampling System (NASS)[2], 74.1 percent of all vehicle fires originate in the vehicle's engine compartment and 18.9 percent originate in the fuel tank. According to the review, most of the fires associated with the fuel tank involved ignition of gasoline leaking from ruptures or punctures due to collisions with other vehicles or due to single vehicles hitting roadway curbs, sign posts, embankments, etc., not roadway debris. The review identified five cases of vehicle fires originating in the undercarriage area between 1993 and 1995. In the first case, the crash investigation report stated that the fire occurred in the engine compartment ''due to the undercarriage damage.'' The case was later reclassified as a ''front'' fire. In the second case, the crash investigation report stated that the fire occurred during the vehicle's rollover sequence, off the roadway, after the vehicle hit a roadway ''curbstone'' at 40–45 mph and ruptured its fuel tank. In this case, one occupant suffered a Maximum Abbreviated Injury Scale 6 burn injury. In the third case, the crash investigation report stated that the vehicle struck and ran over a roadway sign post. The report said that the fire occurred off the roadway when the ''stump'' of the sign post punctured the vehicle's fuel tank ''igniting the fumes and or fuel.'' In the fourth case, the crash investigation report stated that the vehicle went out of control and ''went off the left side of the roadway down a steep embankment.'' It added that the fire occurred when gasoline from a leaking or ruptured fuel tank ignited. In the fifth case, the crash investigation report stated that the fire occurred when the vehicle hit an open man-hole and its ''rear wheel sunk into the [hole] causing the gas tank to contact the roadway.'' No occupant suffered a burn injury in the third, fourth, and fifth cases. As previously stated, none of these fires occurred as a result of roadway debris striking the undercarriage of the vehicle. Even if the petitioner were referring in his petition to these types of events as well as fire occurrences due to roadway debris, any rulemaking action to only address this problem would be very limited in scope and would not be significant enough to warrant an amendment of FMVSS No. 301.

On April 12, 1995, NHTSA published an Advance Notice of Proposed Rulemaking (ANPRM) announcing the agency's plans to consider upgrading FMVSS No. 301 by making the crash requirements more stringent and by broadening the standard's focus to include mitigation concepts related to fuel system components and environmental and aging tests related to fuel system components (60 FR 18566). The notice announced a three-phase approach to upgrade the standard: Phase 1, Component Level Performance; Phase 2, System Level Performance; and Phase 3, Environmental and Aging Effects.

As part of its ongoing effort to upgrade the standard, the agency is conducting research and evaluation on high incidence cases of vehicle fires, including ones associated with rear impact crashes and with the engine compartment originated fires occurring in frontal crashes. Further, the agency is seriously pursuing an upgrade of the current rear impact requirements of FMVSS No. 301. This should result in improved vehicle fuel system protection, including improved fuel tank integrity. The agency conducted a series of rear impact tests on various vehicle sizes and is currently planning a series of repeatability tests. The results of this research program will serve as a basis for an agency decision as to whether to issue a proposal to amend the standard.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. After considering all relevant factors, the agency has decided to deny the petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: August 27, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–23490 Filed 9–2–98; 8:45 am]

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[2] ''Clinical Review of NASS Fire Case Reports,'' Contract No. DTNH22–93–C–07034, January 24, 1997.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE31

Endangered and Threatened Wildlife and Plants; Final Rule To List the Illinois Cave Amphipod as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines the Illinois cave amphipod (*Gammarus acherondytes*) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. Historically, the Illinois cave amphipod was known from six cave streams in Monroe and St. Clair counties, Illinois. This amphipod is a cave-dependent species living in the dark zone of cave entrances. Recent surveys have found the species at only three of the original six sites, although one of the six sites is no longer accessible for surveys. This species is believed to be threatened primarily by degraded groundwater quality resulting from various sources, such as the application of agricultural and residential pesticides and fertilizers in cave stream recharge areas, and contamination from human and animal wastes from residential septic systems and livestock feedlots. This action implements the Federal protection of the Act for the Illinois cave amphipod.