

or less of space or for terms of 6 months or less regardless of the square footage.

570.702-30 Mutuality of obligations.

The contracting officer shall insert a clause substantially the same as the clause at 552.270-39, Mutuality of Obligation, in solicitations and contracts for leasehold interests in real property which involve both more than 10,000 square feet of space and terms which exceed 6 months. Use of the clause is optional for 10,000 square feet or less of space or for terms of 6 months or less regardless of the square footage.

570.702-31 Asbestos and hazardous waste management.

The contracting officer shall insert a clause substantially the same as the clause at 552.270-40, Asbestos and Hazardous Waste Management, in solicitations and contracts for leasehold interests in real property which involve both more than 10,000 square feet of space and terms which exceed 6 months. Use of the clause is optional for 10,000 square feet or less of space or for terms of 6 months or less regardless of the square footage.

63. Section 570.801 is revised to read as follows:

570.801 Standard forms.

Standard Form 2, U.S. Government Lease for Real Property, should be used to award leases unless expedited procedures in 570.3 are used. The reference to the Standard Form 2-A in paragraph 7 should be deleted.

64. Section 570.802 is revised to read as follows:

570.802 GSA forms.

(a) The GSA Form 3626, U.S. Government Lease for Real Property (Short Form), should be used to award leases when expedited leasing procedures in 570.3 are used.

(b) GSA Form 278, Supplemental Lease Agreement, should be used to amend existing leases that involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, restoration settlements, and alterations.

(c) GSA Form 387, Analysis of Values Statement, should be completed whenever an appraisal is provided by in-house or contract appraiser.

(d) GSA Form 1364, Proposal To Lease Space To The United States of America, may be used to obtain offers from prospective offerors except when expedited leasing procedures in 570.3 are used.

(e) GSA Form 3516, Solicitation Provisions, may be included as a part of all solicitations for the acquisition of leasehold interests in real property

except for solicitations issued under the expedited leasing procedures in 570.3.

(f) GSA Form 3517, General Clauses, may be included as a part of all solicitations and contracts for the acquisition of leasehold interests in real property. The GSA Form 3517A, General Clauses (Acquisition of Leasehold Interests in Real Property Not to Exceed \$25,000) or the GSA Form 3517B, General Clauses (Acquisition of Leasehold Interests in Real Property over \$25,000 and 10,000 square feet or less or any lease not to exceed 6 months) may be included instead when using expedited leasing procedures.

(g) GSA Form 3518, Representations and Certifications, may be included as a part of all solicitations and contracts for the acquisition of leasehold interests in real property. The GSA Form 3518A, Representations and Certifications (Temporary and Small Acquisitions of Leasehold Interests in Real Property) may be included instead when using expedited leasing procedures.

Dated: August 12, 1992.

Richard H. Hopt III,
Associate Administrator for Acquisition Policy.

[FR Doc. 92-19796 Filed 8-20-92; 8:45 am]
BILLING CODE 6020-61-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107 and 171

[Docket HM-208]

RIN 2137-AB43

Hazardous Materials Transportation Registration and Fee Assessment Program; Editorial Revisions and Response to Petitions for Reconsideration

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

ACTION: Final rule; editorial revisions and response to petitions for reconsideration.

SUMMARY: On July 9, 1992, a final rule was published which established a national registration program for persons engaged in the offering for transportation and transportation of certain categories and quantities of hazardous materials in intrastate, interstate, or foreign commerce. This document corrects errors in the final rule and responds to petitions for reconsideration, providing regulatory relief.

EFFECTIVE DATE: August 31, 1992.

However, immediate compliance is authorized.

FOR FURTHER INFORMATION CONTACT: Joseph S. Nalevanko, Office of Hazardous Materials Planning and Analysis (202) 366-4109, or Beth Romo, Office of Hazardous Materials Standards (202) 366-4488, Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: A final rule was published July 9, 1992, under Docket HM-208 (57 FR 30620), to establish a national registration program, as mandated by Congress in the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), for persons engaged in the offering for transportation and transportation of certain categories and quantities of hazardous materials in intrastate, interstate, and foreign commerce. Persons subject to the registration program are required to annually file a registration statement with RSPA and pay an annual fee of \$300, \$250 of which is to fund a nationwide emergency response training and planning grant program for States, local governments, and Indian tribes and \$50 of which is to offset DOT processing costs. An initial filing deadline of August 31, 1992 was imposed for filing the registration statement and paying the fee.

In a clarification document published in the Federal Register on July 28, 1992 (57 FR 39416), RSPA corrected errors in a nationally-distributed instructional brochure, entitled "Hazardous Materials Registration Program—What you Need to Know." RSPA also provided a narrative discussion of who is subject to the new registration requirements.

RSPA has received a petition for reconsideration from the American Trucking Associations (ATA) requesting delays in implementation and enforcement dates. North American Transportation Consultants, Inc. (NATC) requested clarification on the requirement for motor carriers to carry a copy of the Certificate of Registration or another document bearing the registration number on board all transport vehicles. NATC inquired whether this meant the document should be carried on both the tractor and the trailer of a truck tractor transporting any hazardous material. NATC also suggested that RSPA allow the registration number to be displayed on the side of the truck or truck tractor door, similar to the display of the U.S. DOT ID number. RSPA's response is discussed in the following section-by-section review.

With regard to payment of the registration fee, registrants should be aware that late payment of the registration fee may result in the assessment of interest and administrative charges, which would accrue from the date when the fee was due and payable. In addition, a late-payment penalty of six percent may be charged on any fee which is more than 90 days past due when paid.

Section-by-Section Review

Section 107.601

As stated in the July 28, 1992 clarification document, RSPA has received hundreds of telephone calls from persons who are confused about paragraphs (d) and (e). In this document, RSPA is editorially revising paragraphs (d) and (e) for clarity.

In paragraph (d), RSPA is adding a reference to the § 171.8 definition of "bulk packaging". The phrases "for liquids or gases" and "for solids" are added to clarify that capacities indicated in liters and gallons are for packagings intended for liquids and gases, and capacities indicated in cubic meters and cubic feet are for packagings intended for solid materials. Also, in paragraph (d), the wording "container, or tank" is removed. The final rule mirrored the HMTUSA statutory language, which contained the wording "bulk package, container, or tank". However, this wording has prompted inquiries as to whether "bulk" applies to "container, or tank" as well as "packaging". RSPA is removing the wording "container, or tank" to alleviate confusion, but interprets "bulk packaging" to include those vehicles, containers and tanks which have been modified to function as bulk packagings.

As stated in the July 28, 1992 clarification document, paragraphs (d) and (e) of § 107.601 are separate provisions. This amendment clarifies that paragraph (e) applies only to non-bulk shipments until July 1, 1993. A correction is made in the first sentence of paragraph (e) to describe 2268 kg as the metric equivalent of 5,000 pounds. The last sentence of paragraph (e) is revised to clarify the meaning of the term "shipment".

Revised paragraph (e) also places more emphasis on consistency with the placarding requirements in subpart F of 49 CFR part 172. For purposes of registration, those placarding requirements prevail over any intrastate placarding exemptions provided by State or local law. Therefore, if an intrastate offeror or transporter engages in any of the activities described in § 107.601(e), that person must register,

even if not subject to placarding requirements under State or local law.

Section 107.620

In order to meet the Congressionally-mandated October 1, 1992, deadline for funding the public sector grant program for emergency response planning and training, RSPA is not delaying the August 31, 1992 initial filing deadline beyond the special circumstances recognized in the final rule. However, to reduce any potential burden on the trucking industry, RSPA is delaying until January 1, 1993, the requirement for motor carriers to carry proof of registration on their vehicles. This delay does not affect the August 31, 1992, compliance date for motor carriers to register and maintain a copy of the Certificate of Registration at their principal place of business.

RSPA is replacing the wording "all transport vehicles" with "each truck and truck tractor (not including trailers and semi-trailers)" to clarify that carrying proof of registration is not necessary on full and semi-trailers. In addition, paragraph (b) is revised by removing the wording "or shipments of hazardous materials" in the first sentence to clarify that only those categories or quantities of hazardous materials subject to the registration requirements are subject to the requirements of this paragraph. However, RSPA is not expanding the provisions of § 107.620(b) to allow the display of the registration identification number on the sides of trucks and truck tractors. The display of the registration identification number on the side of the vehicle would create potential confusion with the U.S. DOT identification number prescribed in section 390.21 of the Federal Motor Carrier Safety Regulations. RSPA intends to issue each registrant a different registration identification number each year, which could result in additional confusion if the registration identification number was displayed on the side of the vehicle.

Section 171.2

Paragraph (b) is editorially revised to remove the wording "for transportation" because it is redundant.

Rulemaking Analyses and Notices

A. Executive Order 12291

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. Although the underlying rule was considered to be "significant" under the regulatory procedures of the Department of Transportation, this document is considered to be "non-significant"

because it clarifies and corrects provisions of the final rule and provides consistency. This final rule does not impose additional requirements and, in fact, grants relief to some persons subject to the rule. The net result is that costs imposed under the final rule published in the Federal Register on July 9, 1992 are reduced, but without a reduction in safety (57 FR 30620). The original regulatory evaluation of the final rule was reexamined but was not modified because the changes made under this rule provide limited relief and thus will result in minimal economic impact on industry.

B. Executive Order 12612

This action has been analyzed in accordance with Executive Order 12612 ("Federalism"). States and local governments are "persons" under the HMTA, but are specifically exempted from the requirement to file a registration statement. The regulations herein have no substantial effects on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various levels of government. This registration regulation has no preemptive effect. It does not impair the ability of States, local governments or Indian tribes to impose their own fees or registration or permit requirements on intrastate, interstate or foreign offerors or carriers of hazardous materials. Therefore, preparation of a Federalism Assessment is not warranted.

C. Impact on Small Entities

Based on limited information concerning size and nature of entities likely to be affected by this rule, I certify this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The rule will have no direct impact on small units of government.

D. Paperwork Reduction Act

Under 49 App. U.S.C. 1905, the information management requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply to this rule.

E. Regulation Identification Number (RIN)

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number

contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

F. National Environmental Policy Act

This final rule has been reviewed under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and does not require an environmental impact statement.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 107 and 171 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 is revised to read as follows:

Authority: 49 App. U.S.C. 1421(c), 1802, 1804, 1805, 1806, 1808-1811, 1815; Public Law 89-670, 80 Stat. 933 (49 App. U.S.C. 1653(d), 1655); 49 CFR 1.45 and 1.53 and app. A of 49 CFR part 1.

2. In § 107.601, paragraphs (d) and (e) are revised to read as follows:

§ 107.601 Applicability.

(d) A hazardous material in a bulk packaging (see § 171.8 of this chapter) having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or

(e) A shipment of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class, under the provisions of subpart F of part 172 of this chapter. Prior to July 1, 1993, this paragraph (e) provision applies only to hazardous materials in non-bulk packagings. For applicability of this subpart, the term "shipment" means, and is further limited to, the hazardous material being offered or loaded at one loading facility.

§ 107.601 [Amended]

3. In addition, in § 107.601, in the introductory text, the word "transport" is revised to read "transports".

4. In § 107.620, paragraph (b) is revised to read as follows:

§ 107.620 Recordkeeping requirements.

(b) After January 1, 1993, each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by RSPA or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

PART 171—GENERAL INFORMATION REGULATIONS, AND DEFINITIONS

5. The authority citation for part 171 is revised to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, 1815, 1818; 49 CFR part 1.

§ 171.2 [Amended]

6. In § 171.2, in paragraph (b), the words "for transportation" are removed.

Issued in Washington, DC, on August 14, 1992, under the authority delegated in 49 CFR part 1.

Douglas B. Ham,
Acting Administrator, Research and Special Programs Administration.

[FR Doc. 92-19808 Filed 8-20-92; 8:45 am]
BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-07; Notice 7]

RIN 2127-AD27

Federal Motor Vehicle Safety Standards; Air Brake Systems Control Line Pressure Balance

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

ACTION: Final rule.

SUMMARY: This rule amends the pneumatic timing requirements of Standard No. 121, Air Brake Systems, with respect to the control line pressure balance. Specifically, the agency is adopting a new dynamic test procedure for determining the control signal pressure differential. These amendments are part of a more general rulemaking to improve the brake timing balance of

combination vehicles and partially implement the mandate in section 4012 of the Intermodal Surface Transportation Efficiency Act (ISTEA) regarding rulemaking for "improving brake compatibility [and] effectiveness of brake timing."

DATES: Effective Date: The amendments become effective on August 23, 1993. Vehicles manufactured before the effective date may comply with this rule's amendments, effective September 21, 1992.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA no later than September 21, 1992.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket 85-07; Notice 7 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Richard C. Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-5274).

SUPPLEMENTARY INFORMATION:

Background

Pneumatic timing is an important factor in air brake system performance. The time required for a vehicle's service brake chambers to reach a relatively high pressure level after actuation of the brake control by the driver is referred to as "pneumatic application time." Since the generation of braking force is directly related to the air pressure available in the brake chambers, pneumatic application time affects vehicle stopping distance. As a general matter, the shorter the pneumatic application time, the shorter the vehicle's stopping distance.

The pneumatic application timing can affect the stability of combination vehicles. If a trailer's brakes apply more slowly than the towing vehicle's brakes, the trailer can bump the towing vehicle, applying an excessive compressive force on the kingpin connecting the trailer to the towing vehicle. If the brakes are applied during a turn, this force may reduce the stability of the combination and contribute to a jackknife accident.

Braking performance is also affected by "pneumatic release timing" (i.e., the time required for the pressure in the brake chambers to fall from a relatively high pressure to a relatively low pressure after the driver releases the brake control.) If a vehicle's wheels lock as the driver is attempting to stop, the