private sector entities, and the impact is less than $100 million.

List of Subjects in 48 CFR Parts 909 and 970

Government procurement.

Issued in Washington, D.C. on November 2, 1998.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 909—[AMENDED]

1. The authority citation for Part 909 continues to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c).

2. Subsection 909.104–3 is added as follows:

909.104–3 Application of standards. (DOE coverage-paragraph (e))

(e) DOE may select an entity which was newly created to perform the prospective contract, including, but not limited to, a joint venture or other similarly binding corporate partnership. In such instances when making the determination of responsibility pursuant to 48 CFR 9.103, the contracting officer may evaluate the financial resources of other entities only to the extent that those entities are legally bound, jointly and severally if more than one, by means of a performance guarantee or other equivalent enforceable commitment to supply the necessary resources to the prospective contractor and to assume all contractual obligations of the prospective contractor. The guaranteeing corporate entity(ies) must be found to have sufficient resources in order to satisfy its guarantee.

PART 970—[AMENDED]

3. The authority citation for Part 970 continues to read:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), sec. 644 of the Department of Energy Organization Act, Pub.L. 95–91 (42 U.S.C. 7254).

4. Section 970.0902 is added as follows:

970.0902 Determination of responsibility.

(a) In the award of a management and operating contract, the contracting officer shall determine that the prospective contractor is a responsible contractor and is capable of providing all necessary financial, personnel, and other resources in performance of the contract.

(b) DOE contracts with entities that have been created solely for the purpose of performing a specific management and operating contract. Such a newly created entity generally will have very limited financial and other resources. In such instances, when making the determination of responsibility required under this section, the contracting officer may evaluate the financial resources of other entities only to the extent that those entities are legally bound, jointly and severally if more than one, by means of a performance guarantee or other equivalent enforceable commitment to supply the necessary resources to the prospective contractor and to assume all contractual obligations of the prospective contractor. A performance guarantee should be the means used unless an equivalent degree of commitment can be obtained by an alternative means.

(c) The guaranteeing corporate entity(ies) must be found to have sufficient resources in order to satisfy its guarantee.

(d) Contracting officers shall insert the provision at 970.5204-XX in solicitations where the awardee is required to be organized solely for performance of the requirement.

5. Section 970.5204-XX is added as follows:

§ 970.5204-XX Requirement for guarantee of performance.

In accordance with 970.0902(d), insert the following provision in appropriate solicitations.

Requirement for Guarantee of Performance (XXX 1998)

The successful proposer is required by other provisions of this solicitation to organize a dedicated corporate entity to carry out the work under the contract to be awarded as a result of this solicitation. The successful proposer will be required, as part of the determination of responsibility of the newly organized, dedicated corporate entity and as a condition of the award of the contract to that entity, to furnish a guarantee of that entity's performance. That guarantee of performance must be satisfactory in all respects to the Department of Energy.

In order to consider the financial or other resources of the parent corporate entity(ies) or other guarantors, each of those entities must be legally bound, jointly and severally if more than one, to provide the necessary resources to the prospective contractor and to assume all contractual obligations of the prospective contractor.

[FR Doc. 98–29941 Filed 11–6–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98–4672]

Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by Price T. Bingham, a private individual. The petitioner requested that the agency initiate rulemaking to require air bag sensors to be designed so that data is recorded during a crash and can be read by crash investigators. The agency agrees that the recording of crash data from air bag sensors, as well as other vehicle sensors, can provide information that is very valuable in understanding crashes. This information can then be used in a variety of ways to improve motor vehicle safety. The agency is denying the petition because the auto industry is already voluntarily moving in the direction recommended by the petitioner. Further, the agency believes this area presents some issues that are, at least for the present time, best addressed in a non-regulatory context.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–2264. Fax: (202) 366–4329.

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

SUPPLEMENTARY INFORMATION: NHTSA received a petition for rulemaking from Price T. Bingham, a private individual. Mr. Bingham stated that air bag sensors are capable of collecting and recording data that could be extremely valuable to crash investigators. He stated his concern in light of air bag deployments that might be ''spontaneous,'' but did not limit his petition to that issue. The petitioner asked the agency to initiate rulemaking to require manufacturers to design their air bag sensors so that data are collected and recorded during a crash so that they can be read by crash investigators.

NHTSA notes that the safety community in recent years has had considerable interest in the concept of crash event recorders. Such recorders can, in conjunction with the air bag and other sensors already provided on many vehicles, collect and record a variety of relevant crash data. These data include such things as vehicle speed, belt use, and crash pulse.

The additional and more accurate data about crashes that could be provided by crash event recorders would enable investigators to develop a significantly better understanding of how and why crashes occur. This information could then be used in a variety of ways to improve motor vehicle safety, e.g., the information could be used to improve vehicle designs, improve safety standards, and develop improved public education campaigns.

A more immediate safety benefit can occur if the occurrence of a crash is immediately and automatically communicated to local emergency services, thereby shortening the response time of the correct emergency services. NHTSA's Office of Vehicle Safety Research is currently testing, in the Buffalo, New York area, an Automated Collision Notification system that uses single point electronic crash sensors, a global positioning system receiver and a cellular phone to facilitate emergency services dispatch. This program has been the subject of recent press articles, copies of which are being placed in the docket.

The agency notes that on June 10, 1997, the National Transportation Safety Board (NTSB) adopted a series of recommendations concerning air bag safety and occupant restraint use which, among other things, called on NHTSA and the vehicle manufacturers ''to develop and implement * * * a plan to gather better information on crash pulses and other crash parameters in actual crashes, utilizing current or augmented crash sensing and recording devices.'' The recommendations followed a public forum convened by the NTSB in March 1997.

Also, the Jet Propulsion Laboratory, in its April 1998 Advanced Air Bag Technology Assessment, included a recommendation that NHTSA study the feasibility of installing and obtaining crash data for safety analyses from crash recorders on vehicles.

The auto industry is already beginning to voluntarily install crash event recorders on some vehicles. For example, General Motors (GM) has had crash event recorders on some of its vehicles for several years and is planning to install more advanced systems in the future. NHTSA notes that, as part of a recent investigation carried out by its Special Crash Investigations program, it was able to use information obtained from a GM vehicle equipped with a crash event recorder.

Persons who are interested in knowing more about GM's program for crash event recorders may wish to read a recent article on that subject that was published in the Detroit News. The agency is placing a copy of that article in the docket. Also, at the agency's invitation, GM made a presentation concerning its crash event recorders at NHTSA's September 17, 1998 quarterly meeting held to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory and research program. Information presented by GM at this meeting is being placed in the docket.

While NHTSA believes that crash event recorders have the potential to provide valuable information for its vehicle regulatory program, the agency believes that a rulemaking to require such recorders is not now appropriate. First, as discussed above, the industry is already moving to voluntarily provide such recorders. Second, as the development and installation of these recorders, and decisions about what data should be recorded and how they should be retrieved, are in their infancy, NHTSA believes it is premature to consider regulating such devices. Given this context, such a rulemaking would not appear to be a good use of limited agency resources.

Moreover, there are a variety of issues related to the implementation of crash event recorders that may be better addressed, at least initially, outside the rulemaking context. In addition to deciding what specific crash data to record, other issues include, among other things, possible standardization of the means for retrieving the data, access to the data by the agency and crash investigators, and privacy issues.

The agency notes that the means for retrieving data from crash event recorders is currently proprietary. This means that the involvement of the vehicle manufacturer is necessary to retrieve the data. NHTSA has not had any difficulty obtaining cooperation from vehicle manufacturers to obtain data from crash event recorders. While the retrieval of such data would be facilitated if the means for retrieving it were standardized, a number of issues may need to be addressed in order to achieve such standardization, e.g., analysis of available alternative means for retrieval and consideration of privacy and related issues.

NHTSA introduced the topic of crash event recorders (these devices are also called event data recorders or EDRs) for action to the Motor Vehicle Safety Research Advisory Committee (MVSRAC) during its April 29, 1998 meeting. MVSRAC consists of 16 members representing governments, industry, academia, the medical community and public interest groups and functions to advise NHTSA about complex technical topics. MVSRAC approved setting up a working group on EDRs under the Crashworthiness Subcommittee. The agency solicited names from the full committee and subcommittee for nomination to work on the working group. The first meeting of the working group took place in October, and others are planned for next year.

NHTSA believes that the approach of relying on the efforts of individual manufacturers to voluntarily introduce crash event recorders, coupled by the work of the MVSRAC working group on this subject, is the best way to proceed at this time. The involvement of the MVSRAC working group will ensure that issues relating to the implementation and use of crash event recorders receive the attention of a wide variety of experts, and that the agency obtains the benefit of hearing the views of those experts. Moreover, NHTSA will ensure that MVSRAC considers topics of particular interest to the agency, including access to the data by the agency.

For the reasons discussed above, the agency is denying Mr. Bingham's petition for rulemaking.

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

Issued on: November 3, 1998.

James R. Hackney,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 98–29922 Filed 11–6–98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF25

Migratory Bird Hunting; Regulations to Increase Harvest of Mid-Continent Light Geese

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Mid-continent lesser snow goose and Ross' goose population