Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–29076 Filed 11–13–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–43, Notice 3]

International Regulatory Harmonization, Motor Vehicle Safety; Motor Vehicles and Motor Vehicle Engines and the Environment

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

ACTION: Notice of public workshop on a process for the assessment of functional equivalence of regulatory requirements; request for comments.

SUMMARY: This document announces a public workshop to discuss a proposed step-by-step process for determining functional equivalence of U.S. and other international regulatory requirements, and the implications of the process for possible rulemaking actions. This document also seeks comments from a broad spectrum of participants on the proposed process. The purpose of the workshop is to present and explain the recommended process for determining functional equivalence to all attendees. In addition, the agency wishes to obtain input on the flow and logic of the process, and to have an exchange of views among participants regarding the ability of the process to not only preserve the established levels of safety, but to also potentially lead to higher levels. The information gathered at this meeting will assist the agency in deciding its future course of action regarding international harmonization, specifically functional equivalence as outlined in the globally harmonized research agenda agreed upon at the May 1996 15th International Technical Conference on the Enhanced Safety of Vehicles (ESV) in Melbourne, Australia. The agency will soon be issuing a Notice of Proposed Rulemaking addressing the procedures for filing petitions requesting a determination of Functional Equivalence.

DATES: The public workshop will be held on Thursday, January 16, 1997, and will begin at 9:00 a.m.

Those wishing to participate in the workshop should contact Mr. Francis J. Turpin, at the address and telephone number listed below, by January 6, 1997.

Written comments: Written comments to be addressed during the workshop may be submitted to the agency and must be received no later than January 6, 1997.

All written comments and statements on the subjects discussed at the meeting must be received by the agency no later than January 31, 1997.

ADDRESSES: The public meeting will be held in Room 6200 of the Nassif Building, 400 Seventh St, S.W., Washington, D.C.

Written comments should refer to above-referenced docket and notice number, and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street S.W., Washington, D.C. 20590. Docket room hours are from 9:00 a.m. to 4 p.m. Monday through Friday. It is requested, but not required, that 10 copies of the comments and attachments, if any, be submitted. However, submissions containing information for which confidential treatment is requested should be submitted with three copies to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street S.W., Washington, D.C. 20590. Seven additional copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section.

FOR FURTHER INFORMATION CONTACT: Mr. Francis J. Turpin, Director, Office of International Harmonization, National Highway Traffic Safety Administration, 400 Seventh Street S.W., Washington, D.C. 20590. Tel:(202)–366–2107, and Fax:(202)–366–2106.

SUPPLEMENTARY INFORMATION: On July 10 and 11, 1996, NHTSA held a public meeting to seek comments on the recommendations made by U.S. and European automotive industry for actions by U.S. and European Union governments concerning (1) the international harmonization of motor vehicle safety and environmental regulation, (2) the intergovernmental regulatory process necessary to achieve such harmonization, and (3) the coordination of vehicle safety and environmental research. During the meeting NHTSA also sought comments on the International Harmonization Research Agenda (IHRA) priority items set forth at the 15th ESV Conference, which included functional equivalence. NHTSA specifically requested input on what a step-by-step process for determining functional equivalence might be. NHTSA also extended the deadline for receiving comments until October 1, 1996, to provide all interested parties enough time to comment on all aspects of the issues addressed at the meeting. Based on the responses received from industry, consumer and advocacy groups, and other interested parties, NHTSA designed a process that it believes to be responsive to all major issues presented on functional equivalence and foremost, the considerations of preserving the highest levels of safety and/or the upgrade of existing standards to achieve the same.

On November 14, 1996, a meeting of the IHRA committee will be held in Geneva to discuss the progress of each research item outlined in the international research agreement. During the meeting, the proposed flowchart will be shared with committee members and comments will be requested.

For a detailed summary of supplementary materials, please refer to notices 1 and 2 of this docket.[1] In addition, the docket includes a transcript of the July 10 and 11 public meeting referenced above.

I. Comments Received on Functional Equivalence

Since the July 1996 public meeting, the agency received comments covering a wide range of International Harmonization topics. A summary of comments addressing functional equivalence can be found in the docket.

II. Step-by-Step Process for Functional Equivalence Determination

After reviewing all comments submitted under notices 1 and 2, NHTSA has developed a suggested flowchart outlining its vision of a functional equivalence process. A copy of the flowchart can be found in Appendix I to this notice. Additionally, NHTSA plans to issue a Notice of Proposed Rulemaking concerning the procedure to be followed for the submission of petitions for functional equivalence.

In general, the flowchart suggests that two regulations will be considered

[1] (61 F.R. 30657, June 17, 1996)

candidates for a determination that they are functionally equivalent when all three of the following screening guidelines are met:

1. The two regulations have mandatory requirements designed to meet a particular safety objective (i.e., have the same intent);

2. The test procedures, test devices, test conditions, and performance criteria are at least similar if not necessarily identical. However, the alternative regulation does not violate the underlying basis of the original regulation, and the minor differences do not cause to have a negative impact on safety;

3. The safety impact in terms of vehicle safety performance under both regulations can be demonstrated to be equivalent using objective test procedures and scientific analyses of test and other data. Any standard determined to be equivalent or more stringent than another would be considered to be functionally equivalent to the latter; and

4. The above steps would be followed by rulemaking proceeding.

Public Workshop

All interested persons and organizations are invited to attend the workshop. To assist interested parties to prepare for the workshop, the agency has developed a preliminary outline, shown below, of major topics to be discussed at the meeting. Any additional agenda items of interest could be included by making a request to the agency at the address given in the notice.

A. Purpose

The agency is holding a workshop instead of its typical, legislative-type public meeting in order to facilitate the interactive exchange and development of ideas among all participants. The purpose is to present and discuss the proposed process for determining functional equivalence. NHTSA hopes that through an interactive discussion, an evaluation of the recommended process' ability to preserve or improve the existing levels of safety, and the implications of the process for possible rulemaking can be made.[2]

B. Preliminary Outline of Topics for Public Workshop

1. Overview and a brief summary of comments on functional equivalence.

2. Discussion of the suggested screening guidelines and the proposed flowchart of a process for the determination of functional equivalence.

3. Summary of the workshop.

The agency intends to conduct the meeting informally. The presiding official will first give a brief overview of the workshop, followed by a presentation and a discussion of all suggested screening guidelines and all steps of the flowchart outlining the proposed process for determining functional equivalence. As each step is presented, the participants will be asked for comments and input. In addition, at the end of the workshop, there will be a period of interactive discussion and a summary of all conclusions reached and all recommendations made during the workshop. Also, at any point during the workshop, and upon request, the presiding official, will allow participants to ask questions or provide comments. When commenting, participants should approach the microphone and state their name and affiliation for the record. All participants are asked to be succinct. Participants may also submit written questions to the presiding official to be considered for response by particular participants or presenters.

The agency will provide an overhead projector, a slide projector and a TV–VCR system. Persons planning to use other visual aids during the workshop should please indicate to the agency their requirements. A copy of any charts, slides and other materials presented must be provided to the agency for the docket at the end of the workshop.

Comments

The agency invites all interested parties to submit written comments. The agency notes that participation in the public workshop is not a prerequisite for submission of written comments. Written comments should be sent to the address and follow the same requirements specified above in section **ADDRESSES.**

No comment may exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to a comment without regard to the 15-page limit. All comments that are submitted within two weeks after the date of the public workshop will be included in the public record of the workshop. Those persons who desire to be notified upon receipt of their written comments in the Docket Section should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receipt, the docket supervisor will return the postcard by mail.

A verbatim transcript of the meeting will be prepared by NHTSA and placed in the docket as soon as possible after the meeting.

Issued on November 8, 1996.

Francis J. Turpin,

Director, Office of International Harmonization.

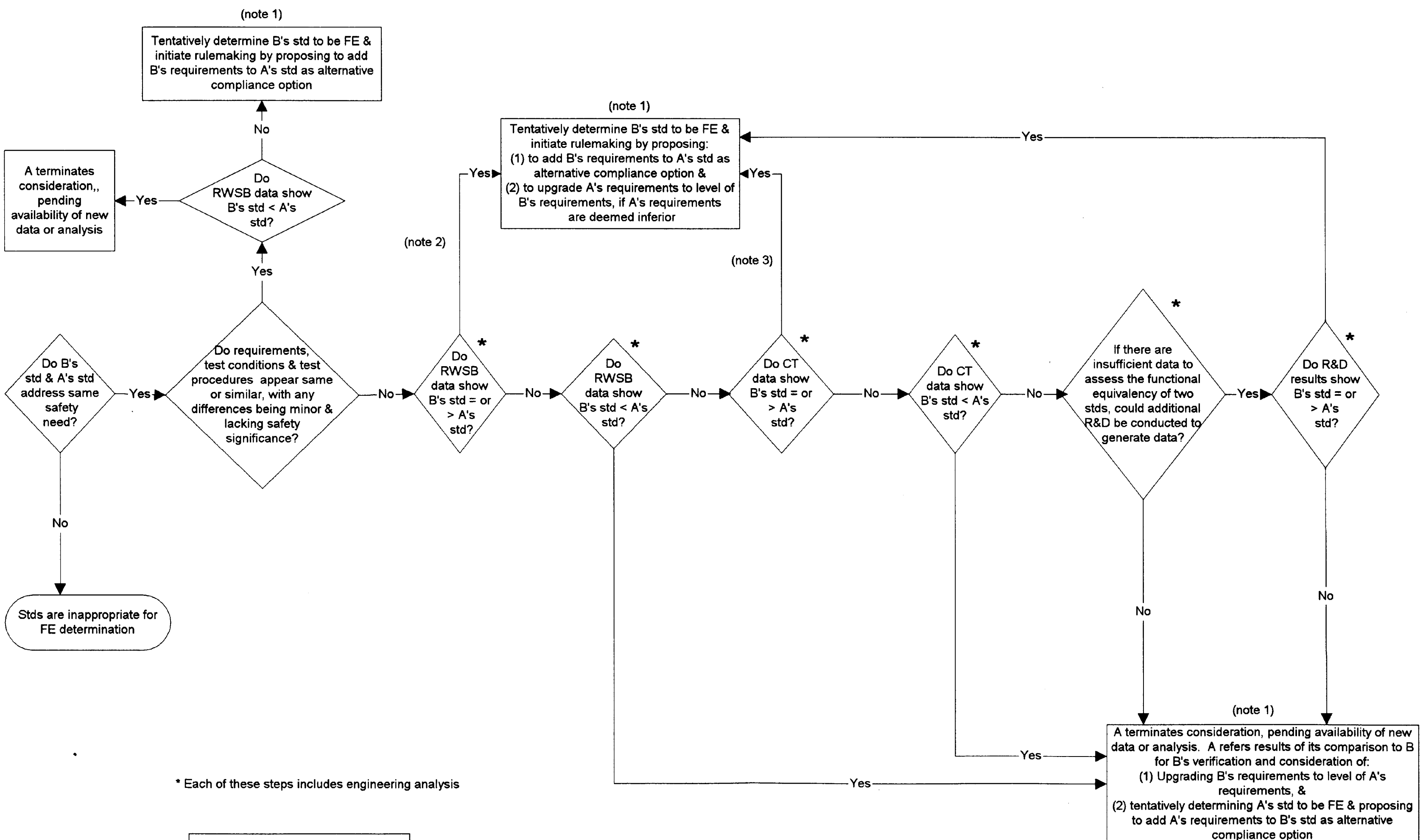
BILLING CODE 4910–59–P

[2] If NHTSA tentatively concluded that a foreign standard is functionally equivalent to a Federal Motor Vehicle Safety Standard (FMVSS), the agency would initiate a rulemaking proceeding to amend the FMVSS. The proceedings would be conducted in accordance with the agency's authorizing legislation concerning vehicle safety (49 U.S.C. 3010 et seq.) and the Administrative Procedure Act.

Appendix I

DETERMINATION OF FUNCTIONAL EQUIVALENCE

GENERIC PROCESS FOR USE BY COUNTRY A IN ASSESSING COUNTRY B'S STANDARD



* Each of these steps includes engineering analysis

GLOSSARY
RWSB = Real World Safety Benefits Estimates
CT = Compliance Test Data
R&D = Research and Development

Explanation of Flowchart

Ultimate Goal

The ultimate goal in comparing standards addressing a particular problem is assessing the real world performance of the covered vehicles or equipment in reducing fatalities and injuries. The most reliable basis for making that assessment is fatality and injury data directly drawn from actual crashes. Accordingly, the countries involved in making functional equivalence determinations should make appropriate efforts to assure the availability of such data.

Guiding Principles

Best Available Evidence

Country A should base its FE determinations on the best available evidence. If available, estimates of real world safety benefits based on fatality and injury data directly drawn from actual crashes are the best evidence. If such data are not available, then estimates based on other information, such as compliance test data, may be used, although increased caution needs to be exercised in making judgment based on those estimates. If sufficient crash data regarding real world safety benefits are available, and a comparison of those benefits shows that the Country B standard is less beneficial than the Country A standard, Country A could avoid wasting resources making comparisons on the basis of less definitive types of evidence.

Sufficiency of Evidence

Many types of data are available for a comparison of two standards. Often there is an abundance of one type of data and little or no data from other sources. If insufficient data are available, and such data either cannot be generated through engineering analysis (e.g., real world safety benefits estimates), or conducting additional research and development is not cost effective, then Country A should immediately stop consideration of such data and consider the other available data instead.

The horizontal path through the flowchart is intended to illustrate the sources of data that will be considered and a rough idea of the priority they will receive. Each step branches independently to the tentative determination of functional equivalency by its ''yes'' path. This may seem to preclude later steps once any ''yes'' path is encountered. In practice, however, all data sources will be considered to the extent that they are available before a determination of functional equivalency is made.

Best Practices

Country A should pursue a ''best practices'' policy, i.e., Country A should propose to upgrade its standards when it concludes that a Country B standard offers greater benefits than its counterpart Country A standard.

Conservatism

Country A should place priority on preserving the safety benefits of its standards. Country A can best preserve those benefits by being conservative in reaching any conclusion that Country B standard is FE to its counterpart Country A standard.

Reciprocity

Country A should take steps to encourage reciprocity by Country B. When Country A's comparison of standards indicates that one of its standards has benefits equal to or greater than its counterpart Country B standard, Country A should forward the results of that comparison to Country B and request consideration be given by Country B to determining that the Country A standard is FE to its counterpart Country B standard.

Notes

1. Instead of issuing a proposal to amend its standard by adding the alternative of complying with Country B's standard, Country A may decide to propose seeking to harmonize its standard with the foreign standard. This approach would enable Country A to maintain a single set of requirements and test procedures in its standard, thereby minimizing any effect on its enforcement resources.

2. There may be circumstantial differences, such as special environmental conditions, driver demographics, driver behavior, occupant behavior (e.g., level of safety belt use), road conditions, size distribution of vehicle fleet (e.g., proportion of big versus small vehicles and disparity between extremes), that could influence real world safety benefits. These differences may result in a particular standard having a safety record in one political jurisdiction that does not translate to the other jurisdiction.

3. Differences from model to model and manufacturer to manufacturer in margins of compliance may confound efforts to assess the relative stringency of two standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961105310–6310–01; I.D. 102396A]

RIN 0648–AJ31

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 17

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 17 to the Northeast Multispecies Fishery Management Plan (FMP). This framework would implement a measure to restore unused days-at-sea (DAS) to vessels recorded under the DAS effort-control program as having fished less than one-sixth of their Amendment 7 allocation during the months of May and June 1996. The intended effect of this rule is to provide vessels with their full Amendment 7 allocation of DAS.

DATES: Comments must be received on or before November 25, 1996.

ADDRESSES: Comments on the proposed rule should be sent to Dr. Andrew A. Rosenberg, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Multispecies Framework Adjustment 17.''

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, NMFS, Fishery Policy Analyst, 508–281–9252.

SUPPLEMENTARY INFORMATION: Amendment 5 (59 FR 9872, March 1, 1994) to the FMP established an effort-reduction program based primarily on reductions in DAS allocated to fishing vessels, with exceptions for certain classes of vessels. Under Amendment 5, the annual allocation of DAS was based on a multispecies fishing year that started on May 1. Amendment 7 (61 FR 27710, May 31, 1996), which became effective on July 1, 1996, eliminated most exceptions to the DAS program and accelerated the reductions in DAS for vessels already under the effort-control program. During the developmental stages of Amendment 7, when it became clear that the New England Fishery Management Council (Council) would be unable to submit the amendment in time for it to be