State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 150 feet downstream of Westbourne Road.	*263	*262

Maps available for inspection at the Westtown Township Office, 1081 Wilmington Pike, West Chester, Pennsylvania.

Send comments to Mr. Kenton S. Stokes, Chairman of the Westtown Township Board of Supervisors, P.O. Box 79, Westtown, Pennsylvania 19395.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: July 10, 1996.

Richard W. Krimm,

Acting Associate Director for Mitigation.

[FR Doc. 96–18663 Filed 7–22–96; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 383 and 391

[FHWA Docket No. MC–93–23]

RIN 2125–AD20

Commercial Driver Physical Qualifications as Part of the Commercial Driver's License Process

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of first meeting of negotiated rulemaking advisory committee.

SUMMARY: The FHWA announces the first meeting of an advisory committee (the Committee) established under the Federal Advisory Committee Act and the Negotiated Rulemaking Act to consider the relevant issues and attempt to reach a consensus in developing regulations governing the proposed merger of the State-administered commercial driver's license (CDL) procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391. The Committee is composed of persons who represent the interests that would be substantially affected by the rule.

DATES: The first meeting of the advisory committee will begin at 10:00 a.m. on August 7 and 8, 1996.

ADDRESSES: The first meeting of the advisory committee will be held in the Nassif Building, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. Subsequent meetings will be held at locations to be announced. The Committee will meet in room 4438 on August 7 and rooms 3200–3204 on August 8.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Doggett, Office of Motor Carrier Research and Standards, (202) 366–4001, or Ms. Grace Reidy, Office of Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On April 29, 1996, the FHWA published a notice of intent to establish an advisory committee for regulatory negotiation to develop regulations governing the proposed merger of the State-administered commercial driver's license procedures of 49 CFR Part 383 and the driver physical qualifications requirements of 49 CFR Part 391 (61 FR 18713). The notice requested comment on membership, the interests affected by the rulemaking, the issues the Committee should address, and the procedures it should follow. The notice also announced the May 14 public meeting that was sponsored by the agency. This organizational meeting was held in order to help identify and select organizations or interests to be represented on the Committee.

The FHWA received 20 comments on the notice of intent. None of the comments opposed using regulatory negotiation for this rulemaking; most endorsed the process and included requests to serve on the Committee and submitted nominations. Based on the responses to the notice of intent and for the reasons the FHWA stated in that notice, the Department of Transportation has determined that establishing an advisory committee on this subject is necessary and in the public interest. In accordance with section 9(c) of the Federal Advisory Committee Act, the Department of Transportation filed the charter for this Committee on July 12, authorizing the Committee to meet and begin negotiations. The Department has also selected the members of the Committee.

Negotiated Rulemaking Process

Mediator/Facilitator

In the notice of intent, the FHWA stated that it retained the services of a contractor, Mr. Philip J. Harter, to act as a convener and provide advice on the feasibility of using negotiated rulemaking for this rule. The FHWA is pleased to announce that Mr. Harter will be the mediator/facilitator of the Commercial Driver Physical Qualifications Negotiated Rulemaking Advisory Committee.

Membership

In addition to a mediator/facilitator, the Committee will consist of the following members:

Federal Highway Administration
American Association of Motor Vehicle Administrators
New York (State commercial driver licensing agency)
Utah (State commercial driver licensing agency)
Wisconsin (State commercial driver licensing agency)
Montana (State commercial driver licensing agency)
Commercial Vehicle Safety Alliance
International Association of Chiefs of Police
American Trucking Associations
National Private Truck Council
National School Transportation Association
United Motor Coach Association & American Bus Association (sharing one seat on the Committee)
Owner Operator Independent Drivers Association
Independent Truckers and Drivers Association
Teamsters Union
Amalgamated Transit Union
Lancer Insurance
AI Transport
American Insurance Association
National Association of Independent Insurers
Advocates for Highway and Auto Safety
Farmland Industries
American College of Occupational and Environmental Medicine
Association for Advancement of Automotive Medicine

American Academy of Occupational Health Nurses
American Academy of Physicians' Assistants

The FHWA regrets being unable to accommodate all requests for membership on the Committee. The Committee must be kept to a size that permits effective negotiation, but that ensures all interests have a voice in the negotiation and any ultimate recommendations adopted. Although the FHWA would have preferred a smaller committee, the agency erred on the side of inclusion to be certain that all interests affected by the rulemaking are represented in this process.

The Negotiated Rulemaking Act provides that agencies should limit membership on a negotiated rulemaking committee to 25 members, unless the agency head determines that a greater number of members is necessary for the functioning of the committee or to achieve balanced membership. The FHWA recognizes that representation of all significantly affected interests in the negotiation is critical if any rule developed through this process is to achieve widespread support. Therefore, to best serve all who have a significant stake in the outcome of this negotiated rulemaking and to ensure the smooth functioning of the negotiation process, we believe that a 26-member committee is necessary and justified under the statutory standard cited above.

The agency did not grant Committee membership to all applicants. For example, the Georgetown University Law Center—Institute for Public Representation and the National Association of the Deaf requested membership on the Committee but were not included. The FHWA deliberated on these applications and determined that these groups sought inclusion on the Committee primarily because of the mistaken belief that the scope of these negotiations would extend to a discussion of changes to the FHWA's physical qualifications standards. For example, in its comments, the Institute for Public Representation stated, ''We assume from this [the April 29 notice] that the committee will in fact consider the substance of the physical qualification standards.''

However, as noted in the April 29 notice, the current physical qualifications standards will not be a subject for discussion during this negotiated rulemaking process; nor will the FHWA's medical waiver programs be a subject for negotiation in this proceeding. In light of the FHWA's multi-year research plan to systematically review and develop revised medical standards, using medical advisory panels, we find that the use of this negotiated rulemaking forum to consider changing the current medical standards is inappropriate. The Committee will only address whether the physical qualification *guidelines* currently used by the agency to *implement* the current medical standards should be modified. Therefore, we believe that the interests of disabled drivers operating in interstate commerce in accordance with the Federal qualification standards will not be significantly affected by this negotiated rulemaking in a way that is different from the impacts of this action on the total driver population. Accordingly, the interests of these disabled drivers are effectively represented by the several driver organizations included on the Committee.

The FHWA believes that public participation is critical to the success of this proceeding. Participation is not limited to Committee members. Negotiation sessions will be open to the public, so interested parties may observe the negotiations and communicate their views in the appropriate time and manner to Committee members. Also, interested groups or individuals may have the opportunity to participate with working groups of the Committee. The FHWA believes that this form of participation will produce meaningful information and lead to a more effective commercial driver's license/physical qualifications regulation. Of course, the FHWA will invite comment on any proposed rule resulting from the Committee's deliberations.

Major Issues

In the notice of intent, the FHWA tentatively identified potential topics to consider in the negotiation and asked for comment on whether the issues presented were appropriate and if alternate or additional issues should be considered. Most comments were devoted to membership, and no significant modifications to the potential topics included in the April notice were proposed. Therefore, the list of topics is unchanged.

Those topics are:

1. Whether the physical qualifications *guidelines* currently used by the agency should be modified to more effectively implement the current medical standards.

2. The scope of any medical qualifications tracking system which might be used by law enforcement officials, as well as by carriers interested in medical information, that is not currently available.

3. What is the status of the various federally-funded State Prototype Medical Review pilot programs which explored the merger of the medical qualifications and licensing processes, and what useful information can be utilized from these efforts in drafting a rule on merging CDL and physical qualifications requirements?

4. How much control should various parties have over the medical review process and should the current commonly-used procedure, in which a company directs its drivers to physicians it selects, be replaced entirely or could it simply be modified? For example, should the agency require drivers to submit a medical long form to employers and the appropriate State licensing agency instead of replacing the current system?

5. How can the current physical examination requirements used by medical providers be clarified? How can these requirements and guidelines be more effectively communicated to the medical provider community?

6. Is there a way to allow merger of the separate requirements without burdening the small operator who moves to another State? In this case, although the driver's medical certification would still be valid, he or she might still be required to be recertified in the new State, thus potentially requiring a new certificate and a corresponding fee (e.g. medical reciprocity of old certificate to new States).

Once the rulemaking negotiations are underway, Committee members may raise other issues.

Procedure and Schedule

Those who commented on the notice of intent generally did not address Committee procedures. The FHWA anticipates that all of the negotiation sessions will take place in Washington, D.C. at DOT headquarters. Given the FHWA's limited resources, travel outside of Washington, D.C. for the purpose of holding negotiation sessions is unlikely.

Consistent with requirements of the Federal Advisory Committee Act, a clear and comprehensive record of the Committee's deliberations will be kept and circulated to Committee members. The facilitator will provide an assistant to the Committee to complete these and other duties.

The objective of the negotiation, in the FHWA's view, is for the Committee to reach a consensus on how to efficiently and successfully transfer responsibility for medical fitness

determinations to State licensing agencies and produce a draft notice of proposed rulemaking for consideration by the agency.

The negotiation process will proceed according to a schedule of specific dates that the Committee devises at the first meeting. The FHWA will publish notices of future meetings in the Federal Register. The FHWA has provided direct notice of this meeting to all Committee members and urges all members to attend and participate in this first and important meeting.

Authority: 5 U.S.C. §§ 561–570; 5 U.S.C. App. 2 §§ 1–15.

Issued on: July 19, 1996.

Stephen E. Barber,

Acting Associate Administrator for Motor Carriers.

[FR Doc. 96–18767 Filed 7–19–96; 12:10 pm]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies the petition by Mr. John Chevedden for the issuance of a mandatory Federal regulation that would require all new cars, light trucks and sport utility vehicles to be equipped with reflectors or reflective tape on the open driver side door or door jamb. An analysis of the petition revealed no information to support the petitioner's contention that there is a safety problem with the current situation and that his proposed solution will address the problem and improve safety in a cost-effective way.

FOR FURTHER INFORMATION CONTACT: Kenneth O. Hardie, Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, D.C. 20590. Mr. Hardie's telephone number is (202) 366–6987.

SUPPLEMENTARY INFORMATION: By letter dated March 29, 1996, Mr. John Chevedden of Redondo Beach, California, petitioned NHTSA to issue a new rule that would mandate the equipping of all new cars, light trucks and sport utility vehicles with reflectors or reflective tape on the open driver side door or door jamb. The petitioner stated that this will avoid collisions with drivers and their car doors as they exit the vehicle at night near traffic because the door will be reflective to oncoming traffic when the driver door is opened.

Analysis of Petition:

To establish a new vehicle safety requirement, the agency must present data or analysis showing that there is a significant safety problem and that the problem would likely be reduced by adopting that requirement. The petitioner did not provide any information showing that a safety problem presently exists. He did not submit any information showing the frequency with which drivers or driver's doors are struck by passing traffic. Further, he did not provide information showing the extent to which such incidents are the result of insufficient conspicuity of the door or the result of the suddenness with which the driver opens his or her door into the path of an oncoming vehicle. Finally, he did not provide any information showing whether the incidents were more likely to involve a solitary parked vehicle or a parked vehicle whose rear end was obscured by another parked vehicle. The agency also lacks any such information.

In the absence of this information, the agency cannot assess whether the problem is of sufficient magnitude to warrant rulemaking. It also can only very roughly assess whether the suggested requirement has the potential for reducing the problem.

NHTSA has already established requirements that make parked vehicles, particularly solitary parked vehicles, more conspicuous to following traffic. FMVSS 108 requires that vehicles be equipped with rear taillamps, stoplamps, high mounted center stoplamps, license plate lamps, and parking lamps. These lamps add to a vehicle's conspicuity when its lights are turned on. The agency recognizes that to the extent that drivers exit from their vehicles at night only after turning off the vehicle lights, these lamps will not be of any assistance in making the stopped vehicle conspicuous.

However, FMVSS 108 also contains a requirement that enhances the conspicuity of vehicles whose lights are turned off. The Standard requires that the rear of all cars, and multipurpose passenger vehicles and trucks less than 80 inches overall width, be equipped with two red reflex reflectors, on each side of the vehicle centerline. These reflectors are required to be as far apart as possible. The intent of requiring these reflectors is to make these vehicles more visible, especially at times of reduced lighting, so that oncoming drivers will ensure that there is sufficient separation to allow them to pass the vehicles safely. Further, although not required by FMVSS 108, vehicles have an interior light that is activated when the door is opened, even if the external vehicle lights are turned off.

While NHTSA is interested in any suggestion that might reduce deaths, injuries or crashes, the agency must ensure that all new requirements are likely to enhance safety, are reasonable, practicable and cost-effective and that the safety problem is significant enough to warrant Federal intervention. Since there is no information available to assess either the alleged safety problem or the potential of the suggested requirement for solving the problem, NHTSA must decide if it should spend limited agency resources to perform the research and conduct the studies necessary to assess these matters. There could by many other measures whose contribution to the safety of motor vehicles could be more easily and certainly established.

In accordance with 49 CFR Part 552, this completes the agency's technical 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, including the need to allocate and prioritize limited agency resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

Authority: 49 U.S.C. 30103, 30111, 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 17, 1996.

Barry Felrice.

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–18697 Filed 7–22–96; 8:45 am]

BILLING CODE 4910–59–P

---

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies Mr. John Chevedden's petition for rulemaking to require that all manual transmission cars, trucks, and sport utility vehicles be manufactured with the ''Hill-Holder'' innovation which is found as standard equipment on the Subaru Legacy. Mr. Chevedden claims