

Docket No. 95-ANM-23, 1601 Lind Avenue S.W., Renton, Washington 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** James Frala, ANM-535/A, Federal Aviation Administration, Docket No. 95-ANM-23, 1601 Lind Avenue S.W., Renton, Washington 98055-4056; telephone number: (206) 227-2535.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 95-ANM-23." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM-530, 1601 Lind Avenue S.W., Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being

placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

##### **The Proposal**

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Sandpoint, Idaho, to accommodate new instrument approach procedures and a published IFR departure procedure at Dave Wall Field, Sandpoint, Idaho. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

##### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

#### **PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR 1959-1963 Comp., p. 389; 14 CFR 11.69.

#### **§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration order 7400.9C, Airspace Designations and Reporting Points dated August 17, 1995, and effective September 16, 1995, is amended as follows:

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth*

\* \* \* \* \*

ANM ID E5 Sandpoint, ID [Revised]

Dave Wall Field, Sandpoint, ID  
(Lat. 48°17'48"N, long. 116°33'46"W)  
Spokane Fairchild AFB, WA  
(Lat. 47°37'12"N, long. 117°39'29"W)

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dave Wall Field; that airspace extending upward from 1,200 feet above the surface bounded on the north by lat. 48°30'00"N, on the east by the Idaho/Montana state boundary, on the south by the north edge of V-120, and on the west by the 45.3-mile radius of the Fairchild AFB and the east edge of V112; excluding Federal airways.

\* \* \* \* \*

Issued in Seattle, Washington, on October 13, 1995.

Richard E. Prang,

*Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 95-26351 Filed 10-23-95; 8:45 am]

**BILLING CODE 4910-13-M**

## **DEPARTMENT OF JUSTICE**

### **28 CFR Part 29**

**[AG Order No. 1993-95]**

**RIN 1105-AA34**

### **Motor Vehicle Theft Prevention Act Program Regulations**

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The United States Department of Justice is publishing a proposed rule to implement the Motor Vehicle Theft Prevention Act of 1994, 42 U.S.C. 14171, by issuing regulations to establish a national voluntary motor vehicle theft prevention program. Under this program, motor vehicle owners may sign a consent form authorizing law enforcement officers to stop their motor vehicle if it is being driven under certain specified conditions and take reasonable steps to determine whether the vehicle is being operated with the owner's consent. There are two program conditions proposed in this rule. Under the first condition, the owner may consent to have the car stopped if it is

operated between the hours of 1 AM and 5 AM. Under the second condition, the owner may consent to have the car stopped if it crosses or is about to cross a United States land border, or if it enters a port. States and localities may elect to participate in the program solely at their option.

**DATES:** Comments must be submitted on or before December 26, 1995.

**ADDRESSES:** All comments concerning this proposed rule should be mailed to Mike Dalich, Office of Justice Programs, Department of Justice, 633 Indiana Avenue, N.W., Room 1300, Washington, D.C. 20531.

**FOR FURTHER INFORMATION CONTACT:** Mike Dalich, (202) 307-0360; Samuel J. Dubbin, (202) 514-3116; or Geovette Washington, (202) 514-3712.

**SUPPLEMENTARY INFORMATION:** Section 220001 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 2074 (codified at 42 U.S.C. 14171), contains the Motor Vehicle Theft Prevention Act (the "Act"). The Act requires the Attorney General to establish a national voluntary motor vehicle theft prevention program. Under this program, automobile owners may voluntarily sign a consent form that authorizes law enforcement officers to stop the motor vehicle if it is being operated under certain specified conditions and take reasonable steps to determine whether the vehicle is being operated with the owner's consent. Participation in this program is completely voluntary on the part of the vehicle owner, and State and local governments. While the statute authorizes the appropriation of funds to implement this program, funds have not yet been appropriated. The Department of Justice's 1996 budget proposal includes a request for \$1,485,000 to implement this program.

This proposed rule is intended to establish a national program and set the conditions under which motor vehicle stops may be authorized under the national program. The rule provides that the Assistant Attorney General for the Office of Justice Programs, or his or her designee, will be responsible for the management and administration of the program and the issuance of guidelines governing the program's implementation.

States and localities may elect to participate in the program by requesting program enrollment materials from the Office and following program requirements set forth in guidelines issued by the Office. States and localities electing to participate will agree to (1) provide interested motor vehicle owners with the consent forms

and decals issued under the program and (2) collect the forms and provide the necessary documents to the Office. In turn, participating units of government will authorize law enforcement officials to stop motor vehicles displaying program decals or devices under the specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner. The statute requires, as a condition of participation, each State or locality to agree to take reasonable steps to ensure that law enforcement officials throughout its jurisdiction are familiar with the program, and with the conditions under which motor vehicles may be stopped. Participating States and localities are free to choose one or more of the program conditions established under this rule, and, therefore, need not authorize their law enforcement officers to stop motor vehicles under all the conditions specified hereunder in order to participate.

Participation in this program on the part of States and localities is completely voluntary, and participating jurisdictions may withdraw from the program at any time by sending written notification to the Office. Participating owners also should be notified of the State or locality's decision to terminate the program.

This program is a federal program that operates separately from any existing State and local motor vehicle theft prevention programs; it is not intended to preempt existing State or local laws or programs. Likewise, this program is not intended to preclude States or localities from setting up their own programs with different or additional conditions.

Sections 29.8 through 29.12 of the rule explain how an owner in a participating jurisdiction may enroll his or her automobile in the program and the responsibilities that accompany participation. In order to enroll, the owner of the vehicle must sign a program consent form and register with a participating State or locality. By signing the consent form, the owner states that his or her vehicle is normally not operated under certain specified conditions and consents to have the automobile stopped if participating law enforcement agencies see the car operated under these conditions. Additionally, the owner agrees to display the program decal on his or her vehicle. For each of the conditions, there is a separate consent form and a separate decal.

Section 29.9 requires any person who is in the business of renting or leasing motor vehicles and who rents or leases

a motor vehicle on which a program decal is affixed to notify the person to whom the motor vehicle is rented or leased about the program prior to transferring possession of the vehicle. Failure to provide such notice to a renter or lessee may result in the assessment of a civil penalty of an amount not to exceed \$5,000. The Assistant Attorney General, Civil Division, or his or her designee, shall have the responsibility to enforce the civil penalties hereunder.

Initially, the program will have two sets of conditions. Under the first condition, the owner may consent to have the car stopped if it is operated between the hours of 1 a.m. and 5 a.m. Under the second condition, the owner may consent to have the car stopped if it crosses or is about to cross a United States land border, or if it enters a port. The rule establishes a one-mile limit within which States or localities may enforce the border provision. The one-mile limit is intended to give participating jurisdictions the flexibility to implement the program in a manner most suitable to local conditions. However, jurisdictions are strongly encouraged to establish the boundary as close to the border as is necessary for enforcement purposes without unduly disrupting border community traffic.

The early morning and border crossing conditions have been used successfully in existing State and local programs. The port provision is not, to our knowledge, currently employed in any jurisdiction, but it has been included in these proposed regulations because many States, police departments, prosecutors, and industry representatives have expressed an interest in methods to reduce vehicle theft through ports.

The Act authorizes the Attorney General to add conditions to the program only with the consent of the owner. Accordingly, after the program has begun, new conditions under which a vehicle may be stopped may only be added to an existing program if the owner consents to the new condition or conditions.

At this time based on our consultation with State and local law enforcement organizations, prosecutors, and private industry, the Department of Justice intends to implement this Act with the two basic program conditions outlined above, limited to operation of a vehicle between 1 a.m. and 5 a.m., and operation of a vehicle across a United States land border or into a United States port. The Department is interested, however, in obtaining comments from interested persons concerning other program conditions it

might adopt under the Act through promulgation of future regulations. For example, there are communities which have employed a decal for vehicles which should not be operated between the hours of 10 a.m. and 4 p.m. because the owners commute via mass transit and leave the vehicle in a commuter lot. Please use this proposed rulemaking as an opportunity to supply the Department with comments on the desirability of a commuter decal program, or about other ideas which would help States and localities prevent motor vehicle theft.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a significant regulatory action under Executive Order No. 12866, and therefore, this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

#### List of Subjects in 28 CFR Part 29

Administrative practice and procedure, Authority delegations, Crime, Highways and roads, International boundaries, Law enforcement, Motor vehicles, Organization and functions (Government agencies), Searches.

Accordingly, title 28 of the Code of Federal Regulations is proposed to be amended by adding part 29 to read as follows:

### **PART 29—MOTOR VEHICLE THEFT PREVENTION ACT REGULATIONS**

- Sec.
- 29.1 Purpose.
  - 29.2 Definitions.
  - 29.3 Administration by the Office of Justice Programs.
  - 29.4 Election to participate by States and localities.
  - 29.5 Notification of law enforcement officials.
  - 29.6 Limited participation by States and localities.
  - 29.7 Withdrawal from the program by States and localities.
  - 29.8 Motor vehicle owner participation.
  - 29.9 Motor vehicles for hire.
  - 29.10 Owner withdrawal from the program.
  - 29.11 Sale or other transfer of an enrolled vehicle.
  - 29.12 Specified conditions under which stops may be authorized.
  - 29.13 No new conditions without consent.
- Authority: 28 U.S.C. 509; 510; 42 U.S.C. 14171.

#### **§ 29.1 Purpose.**

(a) The purpose of this part is to implement the Motor Vehicle Theft Prevention Act, 42 U.S.C. 14171, which requires the Attorney General to develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program. The program will be implemented by States and localities, at their sole option.

(b) Under this program, individual motor vehicle owners voluntarily sign a consent form in which the owner

(1) States that the identified vehicle is not normally operated under certain specified conditions and

(2) Agrees to display a program decal or device on the vehicle and to permit law enforcement officials in any jurisdiction to stop the motor vehicle if it is being operated under the specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(c) The regulations set forth in this part establish the conditions under which an owner may consent to having his or her vehicle stopped and the manner in which a State or locality may elect to participate.

#### **§ 29.2 Definitions.**

For the purposes of this part:

(a) *The Act* or *the MVTPA* means the Motor Vehicle Theft Prevention Act.

(b) *Owner* means the person or persons whose name(s) appear(s) on the certificate of title or to whom the car is registered.

(c) *The Program* refers to the National Voluntary Motor Vehicle Theft Prevention Program implemented pursuant to the Motor Vehicle Prevention Act.

#### **§ 29.3 Administration by the Office of Justice Programs.**

(a) The Assistant Attorney General for the Office of Justice Programs, or his or her designee (the "Office"), will administer the program.

(b) The Office shall issue guidelines governing the operational aspects of the program. Such guidelines shall include the fees that may be charged to States or localities, or to owners, for the materials such as decals or devices necessary to participate in the program.

#### **§ 29.4 Election to participate by States and localities.**

(a) Any State or locality that wishes to participate in the program shall register with the Office and request program enrollment materials. Registration forms are available upon request from the Office. Participation in the program is wholly voluntary on the part of the State or locality.

(b) By electing to participate in the program, a State or locality agrees to do the following:

(1) Make program enrollment materials, including consent forms, available to interested motor vehicle owners;

(2) Collect completed consent forms;

(3) Provide enrolled motor vehicle owners with the decal(s) applicable to their program condition or conditions and instructions governing program participation;

(4) Take the necessary steps to authorize law enforcement officials to stop motor vehicles enrolled in the programs; and

(5) Comply with any other regulation(s) or guideline(s) governing participation in this program.

#### **§ 29.5 Notification of law enforcement officials.**

In addition to the actions enumerated in § 29.4(b), as a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials under its jurisdiction are familiar with the program and with the conditions under which motor vehicles may be stopped under the program.

#### **§ 29.6 Limited participation by States and localities permitted.**

A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

#### **§ 29.7 Withdrawal from the program by States and localities.**

Any participating State or locality may withdraw from the program at any time by sending written notification to the Office and notifying participating owners of the decision to withdraw.

#### **§ 29.8 Motor vehicle owner participation.**

In order to participate in this program, the owner(s) of a motor vehicle must sign a program consent form and register with a participating State or locality. If the vehicle is registered to more than one person, both owners must sign the consent form. By enrolling in the federal program, the owner(s) of the motor vehicle—

(a) State(s) that the vehicle is not normally operated under the specified conditions; and

(b) Agree(s) to

(1) Display the program decals or devices on the owner's vehicle;

(2) Permit law enforcement officials in any State or locality to stop the motor vehicle if the vehicle is being operated under the specified conditions and take reasonable steps to determine whether

the vehicle is being operated by or with the permission of the owner;

(3) Expressly advise any permissive user of the vehicle of the existence of this agreement, and that such user will be subject to being stopped by law enforcement officials if the vehicle is being operated under the specified condition(s) even if the officials have no other basis for believing the vehicle is being operated unlawfully; and

(4) Comply with any other regulation(s) or guideline(s) governing participation in this program.

#### **§ 29.9 Motor vehicles for hire.**

(a) Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall notify the person to whom the motor vehicle is rented or leased about the program, prior to transferring possession of the vehicle.

(b) The notice required by this section shall be printed in bold type in the rental or lease agreement, and on the envelope in which the rental agreement is placed. The print used in the notice provision of the rental or lease agreement must be larger than the regular type in the agreement. The notice must state that the motor vehicle may be stopped by law enforcement officials if it is operated under the conditions specified by the program in which the car is enrolled even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(c) Failure to provide the notice required by this section to a renter or lessee may result in the assessment of a civil penalty by the Assistant Attorney General, Civil Division, or his or her designee, of an amount not to exceed \$5,000. No penalty shall be assessed unless the person charged has been given notice and an opportunity for a hearing of such charge.

#### **§ 29.10 Owner withdrawal from the program.**

An owner may withdraw from the program at any time by completely removing the program decal or device from the vehicle. The owner is also encouraged to notify the participating agency in writing of such withdrawal.

#### **§ 29.11 Sale or other transfer of an enrolled vehicle.**

Upon the transferral of ownership of an enrolled vehicle, the transferring owner must completely remove the program decal from the vehicle and is encouraged to notify the participating agency in writing of the transfer of ownership of the vehicle.

#### **§ 29.12 Specified conditions under which stops may be authorized.**

A motor vehicle owner may voluntarily enroll his or her vehicle(s) and give written consent to law enforcement official to stop the vehicle if it is being operated under any or all the conditions set forth in this section. For each condition, there is a separate consent form and decal or device.

(a) *Time.* A motor vehicle owner may authorize law enforcement officers to stop the enrolled vehicle if it is being operated between the hours of 1 am and 5 am. By enrolling in a program with this condition, the owner must state that the vehicle is not normally operated between the specified hours, and that the owner understands that the operation of the vehicle between those hours provides sufficient grounds for a prudent law enforcement officer reasonably to believe that the vehicle is not being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully.

(b) *Border crossing or port entry.* A motor vehicle owner may authorize law enforcement officers to stop the enrolled vehicle if it crosses or is about to cross a United States land border or if it enters a United States port. For purposes of this section, the phrase "about to cross a United States land border" means the vehicle is operated within one mile of a United States land border. Participating States or localities may implement his provision in accordance with local conditions, provided that a participating State or locality may not extend the applicable geographic area beyond one mile from the United States land border. By enrolling in a program with this condition, the owner must state that the vehicle is not normally driven across a border or into a port, and that the owner understands that the operation of the vehicle within a mile of a United States land border or into a port provides sufficient grounds for a prudent law enforcement officer reasonably to believe that the vehicle is not being operated by or with the consent of the owner even if the law enforcement officer has no other basis for believing that the vehicle is being operated unlawfully.

#### **§ 29.13 No new conditions without consent.**

After the program has begun, new conditions under which a vehicle may be stopped may only be added to an existing program if the owner consents to the new condition or conditions.

Dated: October 17, 1995.

Janet Reno,

*Attorney General.*

[FR Doc. 95-26248 Filed 10-23-95; 8:45 am]

BILLING CODE 4410-01-M

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

#### **29 CFR Parts 1910, 1915 and 1926**

[Docket No. H-071B]

### **Occupational Exposure to Methylene Chloride**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Proposed rule; limited reopening of the rulemaking record.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is reopening the record for the proposed revision of the methylene chloride (MC) standard (56 FR 57036, November 7, 1991) for comments on recently conducted research regarding MC metabolism. OSHA's proposed MC risk assessment for cancer was based primarily on extrapolations from mouse bioassay data. The proposal and the hearing notice (57 FR 24438, June 9, 1992) solicited input regarding the relevance of metabolic and physiological differences between mice and humans when assessing human cancer risk. As a result, the rulemaking record already contains considerable information, comment and testimony regarding this issue.

The new studies address the potential pathway(s) by which MC metabolites induce lung and liver cancer in mice and draw conclusions regarding the relevance of the mouse data to the assessment of human cancer risk. OSHA has determined that these studies are relevant to full consideration of concerns raised by the MC rulemaking. Therefore, OSHA is reopening the record to allow the public an opportunity to comment.

**DATES:** Written comments on the materials incorporated through the notice of reopening must be postmarked by November 24, 1995.

**ADDRESSES:** Comments are to be submitted in quadruplicate to the Docket Office, Docket No. H-071B, U.S. Department of Labor, Room N-2634, 200 Constitution Avenue, NW, Washington, DC 20210. telephone (202) 219-7894. Written comments limited to 10 pages or less in length may also be