

**DATES:** Comments must be filed on or before April 7, 1997, and reply comments on or before April 22, 1997.

**ADDRESSES:** Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Victor A. Michael Jr., President, Mountain Tower Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-61, adopted February 7, 1997, and released February 14, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

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. 97-4290 Filed 2-20-97; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 192 and 195

[Docket No. PS-94; Notice 6]

RIN 2137-AB38

#### Qualification of Pipeline Personnel

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

**ACTION:** Notice of public meeting.

**SUMMARY:** This document announces the first meeting of an advisory committee to conduct a negotiated rulemaking to develop a proposed rule on qualifications of pipeline employees performing certain safety-related functions on pipelines subject to the pipeline safety regulations. The advisory committee is composed of persons who represent the interests that would be affected by the rule, such as gas pipeline operators, hazardous liquid and carbon dioxide pipeline operators, representatives of state and federal governments, and other interested parties.

**DATES:** The advisory committee's first meeting will be held from 8:30 am to 5 pm on April 23-24, 1997.

**ADDRESSES:** The advisory committee meeting will be held in Room 3200-3204 at the U.S. Department of Transportation, Nassif Building, 400 7th Street SW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Eben M. Wyman, (202) 366-0918, regarding the subject matter of this Notice; or the Dockets Unit, (202) 366-4453, for copies of this document or other material in the docket.

#### SUPPLEMENTARY INFORMATION:

Congressional Mandates

Under sections 106 and 205 of the Pipeline Safety Act of 1992 (Pub. L. No. 102-508; October 24, 1992), 49 U.S.C. 60102, Congress mandated DOT to require that "all individuals responsible for the operation and maintenance of pipeline facilities be tested for qualifications and certified to perform such functions." Section 4 of the Accountable Pipeline Safety and Partnership Act of 1996 (Pub. L. No. 104-304; October 12, 1996), amended that mandate to require that "all individuals who operate and maintain pipeline facilities shall be qualified to operate and maintain the pipeline facilities." The new mandate retains the requirement that "qualifications applicable to an individual who operates and maintains a pipeline

facility shall address the ability to recognize and react appropriately to abnormal operating conditions that may indicate a dangerous situation or a condition exceeding design limits. The operator of a pipeline facility shall ensure that employees who operate and maintain the facility are qualified to operate and maintain the pipeline facilities."

Notice of Intent To Form a Negotiated Rulemaking Committee

On July 2, 1996, RSPA issued a Notice of Intent (NOI) (61 FR 34410) to inform the public of RSPA's intent to form a Negotiated Rulemaking Committee to develop a proposed rule on the qualification of pipeline personnel who are engaged in pipeline operations, maintenance, and emergency-response functions. Concurrently with the issuance of the NOI, RSPA issued a Notice (61 FR 34413) withdrawing a previous Notice of Proposed Rulemaking in Docket No. PS-94 titled "Qualification of Pipeline Personnel" (59 FR 39506). The NOI listed interests that could be affected by a qualification rule and tentatively identified various organizations that could represent those interests. The NOI also invited comments on the issues to be negotiated, and invited interested parties to apply for appointment to the committee if they could demonstrate that their interests could not be adequately represented by the proposed committee members.

RSPA received over 20 comments to the NOI, all of which supported the negotiated rulemaking initiative. A few comments focused on the "Key Issues for Negotiation" in the NOI. These commenters requested a more general approach to the pipeline qualification issue, and urged RSPA to avoid involvement with specific pipeline-related functions. Further, a gas trade association said that it would be premature to discuss the "key issues," and suggested a number of basic "guiding principals" for discussions during the negotiation.

RSPA did not intend to limit the Committee's discussion to the "key issues" described in the NOI. RSPA is willing to address the comments to the NOI directly, or allow the representatives of these organizations to bring their concerns to the negotiating table. The meeting's agenda and processes will be left to the Committee's discretion, with the help of the facilitator. These procedural issues will be resolved at this initial meeting.

## Members of the RSPA Negotiated Rulemaking Committee

As noted in the NOI, the Federal Mediation and Conciliation Service (FMCS) served as the convener of this negotiated rulemaking, and will be serving as the facilitator for the Negotiated Rulemaking Committee. RSPA representatives met with FMCS on several occasions to discuss the issues that needed to be addressed and the interests that needed to be represented on a negotiated rulemaking committee. FMCS contacted organizations that might be able to represent various interests, reviewed additional applications for representation, and drafted a tentative membership list. Each organization will be allowed one seat at the negotiating table. Subsequently, the following organizations were approved by the Secretary for membership on the Negotiated Rulemaking Committee:

### 1. American Gas Association (AGA)

The AGA represents a large number of gas distribution and a few transmission companies in the pipeline industry. AGA members consist of both large and small operators.

### 2. American Petroleum Institute (API)

API represents the interests of the hazardous liquid pipeline companies. API is the major trade association in the petroleum industry.

### 3. Interstate Natural Gas Association of America (INGAA)

INGAA consists mainly of the larger interstate gas transmission pipelines. INGAA represents the larger interstate gas transmission pipeline companies in the natural gas transportation industry.

### 4. American Public Gas Association (APGA)

APGA is a trade association of publicly-owned and municipal gas companies. APGA represents the interests of these municipalities, and although these public companies are generally small, they operate a large number of the distribution pipelines in American cities and suburbs.

### 5. National Propane Gas Association (NPGA)

NPGA consists of many companies that deal with transportation of propane gas. Members of NPGA are usually smaller operators, but the interests of the larger propane transportation companies are also represented.

### 6. Association of Texas Intrastate Natural Gas Pipelines

This association represents the interests of intrastate natural gas transmission pipelines. The Association's work with industry training organizations may contribute to development of the qualifications rule.

### 7. Midwest Gas Association (MGA)

MGA is a non-profit organization consisting of over 100 investor-owned utilities, municipal utilities, contractors, and manufacturers. Working with others in the gas pipeline transportation industry, MGA has developed many training programs, including those involving pipeline transportation.

### 8. National Association of Corrosion Engineers (NACE)

NACE is an organization of corrosion experts. Corrosion is the second most common source of pipeline failures, and NACE works primarily on issues of corrosion and corrosion control systems.

### 9. National Association of Pipeline Safety Representatives (NAPSR)

NAPSR is an organization of state pipeline safety programs. This organization represents the state pipeline safety program managers, most of whom would incorporate the Federal final rule on operator personnel qualifications into their state's pipeline safety program.

### 10. National Association of Regulatory Utility Commissioners (NARUC)

NARUC represents the interests of the state utility commissioners, who regulate gas rates and terms of service in most of the fifty states. The qualification rulemaking could have an impact on the costs of gas service incorporated in gas service rates.

### 11. National Association of Fire Marshals

This is a national organization consisting of state fire officials who have expertise on the issue of qualification for emergency response.

### 12. International Union of Operating Engineers (IUOE)

This labor organization represents the interests of many pipeline workers. IUOE represents 21,000 gas industry workers.

### 13. International Brotherhood of Electrical Workers (IBEW)

This labor organization represents a substantial number of pipeline construction and maintenance workers.

### 14. Office of Pipeline Safety (OPS)

OPS will serve as the representative of RSPA, representing the United States Government on the issue of operator personnel qualifications. The OPS representative will be the Designated Federal Official at the negotiations.

RSPA coordinated with FMCS throughout the convening process to identify and approach an environmental organization to serve on the committee. Although many environmental groups were contacted, none were interested in participating in the negotiation. Government agencies that are environmentally focused also assisted by soliciting participation through their mailing lists or on their Internet page. Some of these groups said that the issue was too narrowly focused to generate their interest or said they did not know enough about the issue to participate.

Environmental groups have had multiple opportunities to express their interest. RSPA solicited applications through the NOI and even named an environmental group as a likely participant. FMCS concluded that a good faith effort was made to include an environmental organization and, due to the lack of interest, suggested that the convening of the committee should proceed with the existing membership.

#### Conduct of Meeting

The initial meeting will be held from 8:30 am to 5:00 pm over a two-day period, and may conclude early on the second day depending on the progress of the Committee. Although these meetings will be open to the public, the amount of audience participation, if any, will be determined by the Committee.

At the initial meeting of the Committee, considerable explanation and training in the Negotiated Rulemaking process will be provided by FMCS. The Committee will also need to address and reach consensus on many procedural issues, such as the meeting(s) agenda, ground rules for members to follow when addressing the Committee, the procedure for keeping a record or "minutes" of the meeting(s), and a schedule for distribution of minutes for correction and concurrence prior to placing them in the public docket. Most importantly, the committee will need to agree on a timeline for the negotiation and a schedule of committee meetings.

RSPA believes that the negotiated rulemaking process will provide ample opportunity for all affected parties to present their views and to reach a consensus on a pipeline personnel qualifications rule.

Issued in Washington, D.C., on February 14, 1997.

Richard B. Felder,

*Associate Administrator for Pipeline Safety.*

[FR Doc. 97-4275 Filed 2-20-97; 8:45 am]

BILLING CODE 4910-06-P

## National Highway Traffic Safety Administration

### 49 CFR Part 541

[Docket No. 96-122; Notice 01]

RIN 2127-AG33

#### Preliminary Theft Data; Motor Vehicle Theft Prevention Standard

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

**ACTION:** Publication of preliminary theft data; request for comments.

**SUMMARY:** This document requests comments on data about passenger motor vehicle thefts that occurred in calendar year (CY) 1995, including theft rates for existing passenger motor vehicle lines manufactured in model year (MY) 1995. The theft data preliminarily indicate that the vehicle theft rate for CY/MY 1995 vehicles (3.61 thefts per thousand vehicles) decreased by 13.4 percent from the theft rate for CY/MY 1994 vehicles (4.17 thefts per thousand vehicles).

Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data, and publish the information for review and comment.

**DATES:** Comments must be submitted on or before April 22, 1997.

**ADDRESSES:** All comments should refer to the docket number and notice number cited in the heading of this document and be submitted, preferably with ten copies to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 am to 4:00 pm, Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2739.

**SUPPLEMENTARY INFORMATION:** NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR Part 541. The standard specifies performance requirements for inscribing or affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data, and publish the data for review and comment. To fulfill the § 33104(b)(4) mandate, this document reports the preliminary theft data for CY 1995, the most recent calendar year for which data are available.

In calculating the 1995 theft rates, NHTSA followed the same procedures it used in calculating the MY 1994 theft rates. (For 1994 theft data calculations, see 61 FR 50069, September 24, 1996). As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a governmental system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 1995 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 1995 vehicles of that line stolen during calendar year 1995, by the total number of vehicles in that line manufactured for MY 1995, as reported to the Environmental Protection Agency.

The preliminary 1995 theft data show a decrease in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1994. The preliminary theft rate for MY 1995 passenger vehicles stolen in calendar year 1995 decreased to 3.61 thefts per thousand vehicles produced, a decrease of 13.4 percent from the rate of 4.17 thefts per thousand vehicles experienced by MY 1994 vehicles in CY 1994. For MY 1995 vehicles, out of a total of 207 vehicle lines, 86 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (See 59 FR 12400, March 16,

1994). Of the 86 vehicle lines with a theft rate higher than 3.5826, 71 are passenger car lines, 12 are multipurpose passenger vehicle lines, and 3 are light-duty truck lines.

In Table I, NHTSA has tentatively ranked each of the MY 1995 vehicle lines in descending order of theft rate. Public comment is sought on the accuracy of the data, including the data for the production volumes of individual vehicle lines.

Comments must not exceed 15 pages in length (49 CFR Part 553.21). Attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for this document will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments on this document will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available for inspection in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 49 U.S.C. 33101, 33102 and 33104; delegation of authority at 49 CFR 1.50.