

exclusivity rights for the exhibition of the program in question. Contracts entered on or after November 29, 2000, must contain the following words: "the licensee [or substitute name] shall, by the terms of this contract, be entitled to invoke the protection against duplication of programming imported under the Statutory Copyright License, as provided in § 76.122 or § 76.123 of the FCC rules [or 'as provided in the FCC's satellite network non-duplication or syndicated exclusivity rules']." Contracts entered into prior to November 29, 2000, must contain the foregoing language plus a clear and specific reference to the licensee's authority to exercise exclusivity rights as to the specific programming against signal carriage by the satellite carrier in question, or by satellite carriage in general in a protected, geographic or specified zone. In the absence of such a specific reference in contracts entered into prior to November 29, 2000, the provisions of these rules may be invoked only if the contract is amended to include the specific language referenced in this section or a specific written acknowledgment is obtained from the party from whom the broadcast exhibition rights were obtained that the existing contract was intended, or should now be construed by agreement of the parties, to include such rights. A general acknowledgment by a supplier of exhibition rights that specific contract language was intended to convey rights under these rules will be accepted with respect to all contracts containing that specific language. Nothing in this section shall be construed as a grant of exclusive rights to a broadcaster where such rights are not agreed to by the parties.

§ 76.125 Indemnification contracts.

No television broadcast station licensee shall enter into any contract to indemnify a satellite carrier for liability resulting from failure to delete programming in accordance with the provisions of this Subpart unless the licensee has a reasonable basis for concluding that such program deletion is not required by this Subpart.

§ 76.127 Satellite sports blackout.

(a) Upon the request of the holder of the broadcast rights to a sports event, or its agent, no satellite carrier shall retransmit to subscribers within the area comprising the specified zone a "nationally distributed superstation" or "network station" carrying the live television broadcast of a sports event if the event is not available live on a television broadcast station meeting the criteria specified in § 76.128. For

purposes of this section, if there is no television station licensed to the community in which the sports event is taking place, the applicable specified zone shall be that of the television station licensed to the community with which the sports event or team is identified, or, if the event or local team is not identified with any particular community, the nearest community to which a television station is licensed.

(b) Notification of the programming to be deleted pursuant to this Section shall include the following information:

(1) The name and address of the party requesting the program deletion;

(2) The date, time and expected duration of the sports event the television broadcast of which is to be deleted;

(3) The call letters of the nationally distributed superstation or network station(s) from which the deletion is to be made;

(4) The U.S. postal zip codes that encompass the specified zone.

(c) Notifications given pursuant to this section must be received by the satellite carrier, as to regularly scheduled events, within forty-eight (48) hours after the time of the telecast to be deleted is known, and no later than the Monday preceding the calendar week (Sunday through Saturday) during which the program deletion is to be made. Notifications as to events not regularly scheduled and revisions of notices previously submitted, must be received within twenty-four (24) hours after the time of the telecast to be deleted is known, but in any event no later than twenty-four (24) hours from the time the subject telecast is to take place.

(d) A satellite carrier is not required to delete a sports event from an individual subscriber who is located outside the specified zone, notwithstanding that the subscriber lives within a zip code provided by the holder of the broadcast rights pursuant to paragraph (b) of this section.

(e) A satellite carrier is not required to delete a sports event if it has fewer than 1,000 subscribers within the relevant specified zone who subscribe to the nationally distributed superstation or network station carrying the sports event for which deletion is requested pursuant to paragraph (b) of this section.

(f) Notwithstanding paragraph (c) of this section, for sports events to be deleted on or before March 31, 2001, notification must be received by satellite carriers at least 60 full days prior to the day the telecast is to be deleted.

§ 76.128 Application of sports blackout rules.

The cable and satellite sports blackout rules (§§ 76.111 and 76.127) may apply when the sports event is not available live on any of the following television broadcast stations carried by a cable system or other MVPD:

(a) Television broadcast stations within whose specified zone the community of the community unit or the community within which the sporting event is taking place is located, in whole or in part;

(b) Television broadcast stations within whose Grade B contours the community of the community unit or the community within which the sporting event is taking place is located, in whole or in part;

(c) Television broadcast stations licensed to other designated communities which are generally considered to be part of the same television market (Example: Burlington, Vt.-Plattsburgh, N.Y. or Cincinnati, Ohio-Newport, Ky., television markets);

(d) Television broadcast stations that are significantly viewed, pursuant to § 76.54, in the community unit or community within the specified zone.

§ 76.130 Substitutions.

Whenever, pursuant to the requirements of the network program non-duplication, syndicated program exclusivity, or sports blackout rules, a satellite carrier is required to delete a television program from retransmission to satellite subscribers within a zip code area, such satellite carrier may, consistent with this Subpart, substitute a program from any other television broadcast station for which the satellite carrier has obtained the necessary legal rights and permissions, including but not limited to copyright and retransmission consent. Programs substituted pursuant to this section may be carried to their completion.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-2000-8258]

RIN No. 2127-AI10

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Notice of technical workshop.

SUMMARY: This document announces that NHTSA will hold a technical workshop to give NHTSA an opportunity to make sure it understands the petitioners' issues concerning some of the test procedures for the advanced air bag final rule issued earlier this year.

DATES: The workshop will be held December 6, 2000, at the address listed below. Lists of persons wishing to participate in the workshop and the names of the vehicle models that participants wish to bring to the workshop to demonstrate test dummy positioning problems should be provided to Ed Jettner at the address or telephone number listed below by November 22, 2000. Due to space and time limitations, NHTSA may have to limit the number of representatives per organization as well as the number of problematic vehicles that will be examined.

ADDRESSES: The workshop will be held at the Vehicle Research and Test Center (VRTC), 10820 State Route 347, East Liberty, Ohio 43319. Directions to VRTC and the final agenda will be sent to participants.

FOR FURTHER INFORMATION CONTACT: Ed Jettner, Office of Crashworthiness Standards, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-4917, Fax (202) 366-4329, e-mail ejettner@nhtsa.dot.gov.

SUPPLEMENTARY INFORMATION: On May 12, 2000, NHTSA published a final rule amending Standard No. 208, *Occupant Crash Protection*, to require that future air bags be designed to create less risk of serious air bag-induced injuries than current air bags, particularly for small women and young children; and provide improved frontal crash protection for all occupants, by means that include advanced air bag technology. (65 FR 30680; Docket No. NHTSA 00-7013; Notice 1) The period for submitting petitions for reconsideration closed June 26, 2000.

NHTSA received nine petitions for reconsideration of the final rule, some of which raised questions concerning some of the new test procedures in the final rule. We also received three requests for clarification of those procedures. To enable interested parties and NHTSA personnel to better understand the questions concerning those test procedures, we believe that it would be desirable to hold a technical workshop. The workshop will be limited to those procedures that petitioners have raised as legitimate technical issues. It will not

address procedures that were the subject of policy-based objections. For example, NHTSA did not provide detailed test procedures on how to position the child or child dummy in static suppression tests. This lack of specificity was intentional since we wanted this technology to be robust enough to protect all children generally situated in the positions required by the final rule. While there may be a difference of opinion about the appropriateness of the agency's position, there is no need to review that issue at a technical workshop. The agency will respond to this and other non-technical issues in the notice responding to the petitions for reconsideration.

We believe that the petitioners raised legitimate technical issues about the following test procedures, and therefore that only those issues should be addressed at the workshop:

1. Cinchdown procedure for child restraints in vehicles equipped with static suppression technology to comply with the advanced air bag requirements.

2. Procedures for positioning the 6-year-old and 3-year-old child dummies in the passenger seating position in vehicles equipped with low-risk deployment technology to comply with the advanced air bag requirements. The workshop will address the method used to achieve the final position and the effect that the vehicle seat may have on achieving that position.

3. Procedures for positioning for the 5th percentile adult female dummy in the driver seating position for demonstrating compliance with the low-risk deployment test of the advanced air bag requirements. The workshop will address the method used to achieve the final chin-on-rim position, and the effect that the vehicle seat may have on achieving the chin-on-rim and chest-on-module positions.

NHTSA will announce any resolution of these issues in the notice responding to the petitions for reconsideration.

Several petitioners noted that they had problems with the above-listed test procedures in particular vehicles. We request that participants who have experienced problems with specific vehicles bring the vehicles to the workshop so that we may address as many of the different vehicle configurations as possible. If no problematic vehicles are presented at the workshop, we will limit the workshop to the cinchdown procedure for child seats.

We request that persons wishing to participate in the workshop notify Ed Jettner not later than November 22, 2000. Interested persons should indicate the company or organization which they

represent. Interested persons wishing to bring a particular vehicle to demonstrate the dummy positioning difficulties should also identify for Mr. Jettner the vehicle models they would like to bring to the workshop. Once we compile a list of interested persons and problematic vehicles, we will determine whether the number of representatives per participant must be limited due to space and time constraints. If this proves to be necessary, we will equitably allocate the available space among the participating companies and organizations and among the identified problematic vehicles.

To facilitate communication, NHTSA will provide auxiliary aids to participants as necessary during the meeting. To ensure their availability, any person desiring assistance of auxiliary aids (*e.g.*, sign-language interpreter) should contact Ed Jettner.

Authority: 15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50.

Issued on November 7, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 578 and 592

[Docket No. NHTSA 2000-8253]

RIN 2127-A118

Civil Penalties; Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards

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

ACTION: Final rule.

SUMMARY: This document amends NHTSA's regulations on civil penalties and registered importers to reflect related amendments to 49 U.S.C. 30165(a) and 30120(g)(1) made by sections of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, signed by the president on November 1, 2000. Under these amendments, the civil penalty for a single violation of 49 U.S.C. Chapter 301—Motor Vehicle Safety is increased from \$1,100 to \$5,000, and the maximum civil penalty for a related series of violations is increased from \$925,000 to \$15,000,000.