

Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999.

Dated: June 12, 1996.
Edward S. Christenbury,
General Counsel and Secretary.
[FR Doc. 96-15380 Filed 6-13-96; 10:22 am]
BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Jefferson County Airport, Beaumont, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Jefferson County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before July 17, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Byron L. Broussard, Manager of Jefferson County Airport, at the following address: Mr. Bryon L. Broussard, Jefferson County Airport, 2748 Viterbo Road, Box 9, Beaumont, Texas 77706.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under Section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, Fort Worth, Texas 76193-0610, (817) 222-5614.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Jefferson County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On May 29, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of Section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 24, 1996.

The following is a brief overview of the application:

Level of PFC: \$3.00.

Charge effective date: September 1, 1994.

Proposed charge expiration date: March 1, 1999.

Total estimated PFC revenue: \$529,000.

PFC application number: 96-02-C-00-BPT.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

ARFF Vehicle Replacement,
Improve Runway 12 Safety Area, and
PFC Application and Administrative
Costs.

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610D, 2601 Meacham Blvd., Fort Worth, Texas 76137-4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Jefferson County Airport.

Issued in Fort Worth, Texas, on May 29, 1996.
Edward N. Agnew,
Acting Manager, Airports Division.
[FR Doc. 96-15211 Filed 6-14-96; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. 96-43; Notice 1]

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

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT; Environmental Protection Agency (EPA).

ACTION: Notice of public meetings and request for comments.

SUMMARY: This document announces two public meetings to seek comments from a broad spectrum of participants on recommendations by the U.S. and European automotive industry for actions by the U.S. and European Union governments concerning international harmonization of motor vehicle safety and environmental regulation, the intergovernmental regulatory process necessary to achieve such harmonization, and coordination of vehicle safety and environmental research. The industry recommendations were made at the Transatlantic Automotive Industry Conference on International Regulatory Harmonization, held in Washington, DC, on April 10-11, 1996. The comments will assist NHTSA and EPA both in deciding how to respond to those recommendations as well as in ensuring that harmonization does not result in any degradation of safety or environmental protection in the United States.

DATES: *Public meetings:* The meetings will be held July 10 and 11, 1996. The safety and regulatory process meeting will start at 9 a.m. on July 10 and may extend over to July 11, starting at 9 a.m. The environmental meeting will start at 10 a.m. on July 11.

Oral statements and written comments:

Safety and regulatory process issues: Persons or organizations desiring to make oral statements at the safety and regulatory process meeting should advise the NHTSA contact person listed below of their intent by July 5, 1996. Copies of the oral statements, or an

outline thereof, should be submitted to the NHTSA contact person not later than July 8, 1996. All written comments should be received by NHTSA's docket section no later than July 25, 1996.

Environmental issues: Persons or organizations desiring to make oral statements at the environmental meeting should advise the EPA contact person listed below of their intent by July 5, 1996. Copies of the oral statements, or an outline thereof, should be submitted to the EPA contact person not later than July 8, 1996. All written comments should be received by NHTSA's docket section no later than July 25, 1996.

ADDRESSES: Public meetings: Both meetings will be held in Room 2230 of the Nassif Building, 400 Seventh Street, SW., Washington, DC.

Written comments: Written comments on all issues should refer to the docket and notice number shown above and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5111, 400 Seventh Street, SW., Washington, DC 20590. Docket room hours are from 9:30 a.m. to 4 p.m., Monday through Friday.

To facilitate the distribution and reading of comments relating to a particular issue area, commenters are requested to divide their written comments into two different sections: (1) Safety and regulatory process, and (2) environment.

Written copies of oral statements:

Safety and regulatory process issues: Written copies of oral statements should be provided to the NHTSA contact person at the address below.

Environmental issues: Written copies of oral statements should be provided to the EPA contact person at the address below.

FOR FURTHER INFORMATION CONTACT:

NHTSA: Stanley C. Feldman, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5219, Washington, DC 20590, telephone (202) 366-5265, fax (202) 366-3820.

EPA: Kenneth E. Feith, Office of Air and Radiation, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone (202) 260-4996, fax (202) 260-9766.

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I. Transatlantic Business Dialogue Meeting in Seville, Spain

In November 1995, the Transatlantic Business Dialogue (TABD), a forum comprised of U.S. and European industry leaders, met in Seville, Spain, to begin a process for achieving increased bilateral regulatory and economic cooperation in key industrial sectors. The forum was organized at the initiatives of the late U.S. Department of Commerce Secretary Ron Brown, the European Union (EU) Trade Commissioner Sir Leon Brittan and the EU Industry Commissioner Martin Bangemann. Its initial purpose was to generate recommendations for consideration at the U.S.-EU Summit in Madrid, Spain, one month later. The TABD issued recommendations concerning regulatory policy, trade liberalization, investment and cooperation with developing countries. Among its regulatory recommendations were the issuance of common standards of design, performance and/or controls in a number of industry sectors, including the motor vehicle industry.

II. U.S.-EU Summit in Madrid, Spain

Many of the TABD recommendations were endorsed at the Madrid Summit in December 1995 by President Clinton, European Commission (EC) President Jacques Santer, and Spanish Prime Minister Felipe Gonzalez (President of the European Union Council of Ministers). Those recommendations are codified in a "Transatlantic Agenda" and "Action Plan" signed by President Clinton and the European Union officials for the purpose of creating a "New Transatlantic Marketplace." The Action Plan includes a call for regulatory harmonization; mutually recognizing regulatory certification procedures; cooperating in the international standard setting process; cooperatively developing and implementing regulations; and taking a

collaborative approach in testing and certification procedures.

As Secretary Brown noted, the Transatlantic Agenda and Action Plan were intended to continue the momentum for trade liberalization from the Uruguay Round of Multilateral Trade Negotiations and "instill a new dynamic" to the efforts of the World Trade Organization (WTO). The WTO Agreement on Technical Barriers to Trade includes requirements for—

- Using international standards and conformity assessment procedures as a basis for national regulations and procedures, unless the international standards and procedures would be ineffective or inappropriate. (Articles 2.4 and 5.4)

- Participating in the preparation by international standardizing bodies of international standards, with a view towards harmonizing regulations. (Article 2.6)

- Giving consideration to accepting as equivalent technical regulations of other WTO members, even if these regulations differ from their own, provided they are satisfied that these regulations adequately fulfill the objectives of their own regulations. (Article 2.7)

III. Transatlantic Automotive Industry Conference on International Regulatory Harmonization in Washington, DC

At the prompting of some participants in the Seville Conference and Madrid Summit, a broad cross-section of industry representatives, including the American Automobile Manufacturers Association (AAMA), the Association of European Automobile Manufacturers (ACEA), the Engine Manufacturers Association (EMA), automotive suppliers, and their respective associations met at the Transatlantic Automotive Industry Conference on International Regulatory Harmonization in Washington, DC, on April 10-11, 1996. Representatives from NHTSA, EPA, U.S. Department of Commerce, Office of the U. S. Trade Representative, agencies of various European countries, and the European Commission's Directorate-General III—Industry, participated in the Conference as advisors to the industry participants to facilitate understanding of government objectives, priorities, and regulatory process.

A. Industry Principles and Recommendations

At the conclusion of the Washington Conference, the industry conferees issued "Overall Conclusions" and "Working Papers on the Regulatory Process, Safety and Environment." (Copies of these documents have been

placed in the docket for this notice.) These documents contain industry recommendations for actions by the U.S. and EU in three specific areas: (1) Regulatory process; (2) safety; and (3) the environment. They also set forth principles to guide those recommended actions.

With respect to the need for harmonization, the industry conferees concluded in Section I of the Working Papers (p. 4) that:

Compliance with diverse national and regional requirements imposes substantial cost penalties, engineering, design and manufacturing constraints, as well as being fundamentally inconsistent with the reality of a global auto market, and have therefore adversely affected world trade. These inconsistencies in turn, diminish the potential to achieve societal objectives, notably in the field of safety and environment, and also reduce vehicle affordability and customer choice. With the rapid development of new markets in developing nations, there is a great risk that the number of new and differing regulatory requirements world wide will escalate quickly, creating new technical barriers to trade.

European and U.S. automakers believe that this strategically uncoordinated approach no longer is sustainable either in terms of resources or results. It must be emphasized that industry is still committed to abide to the high levels of safety and environmental protection offered by today's standards. Yet it seems difficult to comprehend the need for multiple differing approaches to address the same objectives.

To guide future harmonization discussions and efforts involving U.S. and EU governments and industry, the industry conferees set forth the following set of principles representing their thinking on the subject in Section II of the Working Papers (p. 6):

Ten First Principles for EU/US Contribution to Global Harmonization

1. Commit to global regulatory harmonization by becoming Contracting Parties to the 1958 Agreement¹ and participating in the development of new UN-ECE regulations with the intent of adopting them to the maximum extent feasible.²

¹ United Nations Economic Commission for Europe Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals granted on the Basis of these Prescriptions (as amended). (For a brief explanation of this Agreement, whose membership is currently primarily European, see the section IV.A.3. "UN/ECE 1958 Agreement" below.)

² NHTSA has indicated that the U.S. government is willing to sign the Agreement if it is revised so that the forum functions in a truly international manner and adopts truly international standards. Discussions are ongoing. (For additional details, see

2. Work through and strengthen Working Party 29 to expand it into a broadly recognized body for the development of global vehicle³ regulatory requirements.

3. Establish a work program to globally harmonize existing differences, to the maximum feasible extent.

4. Continue the process of global harmonization of vehicle regulatory requirements and expand these discussions to all countries.

5. Establish mutual recognized certification processes.

6. In the process of global harmonization: establish means to incorporate functional equivalence of alternative vehicle regulatory requirements in the regulatory process; and establish means to achieve mutual recognition of corresponding regulatory requirements.

7. Coordinate pre-regulatory research on need for and development of new regulatory requirements, thereby minimizing the likelihood of future divergence.

8. Avoid developing unique new national or regional technical requirements without adequate justification.⁴

9. Improve processes for informing the public about the development of harmonized regulatory requirements.

10. Encourage a policy of accepting vehicles fully meeting ECE or U.S. or EU requirements as equivalent. (EU, Australia, Canada, Japan and South Africa have already accepted UN-ECE regulations.) The adoption of hybrid requirements for vehicles (selectively combining elements of different jurisdictions) should be avoided.

The industry conferees made the following recommendations regarding regulatory process, safety, and the environment (except as otherwise noted, the recommendations are contained in their "Overall Conclusions):"

Regulatory Process

The industry conferees recommended that the following actions be taken by the U.S. and EU prior to the November 1996 TABD meeting:

- Develop a process for agreeing upon "functional equivalence" of dissimilar existing standards addressing the same aspect of performance;
- Develop a process for mutual recognition of (1) similar standards addressing the same aspect of performance and (2) certification procedures;

sections III.B. "U.S. Government Statements" and IV.A.3. "UN/ECE 1958 Agreement" below.)

³ Vehicle is defined as including equipment and parts.

⁴ As defined in WTO, Articles 2.1-2.5.

- Develop a plan for coordinating research, both by industry and government; and

- Revise the role and structure of the UN Economic Commission for Europe (ECE) Working Party 29 so that it can function as the forum for global regulatory harmonization.

The industry conferees recommended that a second series of longer-term regulatory process actions be initiated in November 1996, including:

- Cooperation in developing new testing procedures and regulations; and
- Coordination of views on emerging market regulations.

Safety

The industry conferees agreed that they would complete, by the time of the November 1996 TABD meeting, an evaluation of the functional equivalence of existing overlapping requirements, in conjunction with the appropriate regulatory bodies. In addition, the industry recommended the following four actions by the U.S. and EU:

- Initiate a process to develop cooperative programs in the areas of common regulatory matters and regulatory research programs prior to the 15th International Technical Conference on the Enhanced Safety of Vehicles (ESV) conference in May 1996.
- Mutually recognize certain items currently regulated by the U.S. and EU. These include, but are not limited to, windshield wiping systems, safety belts, steering control system impact protection, and seating systems. (The industry conferees suggested that this action be completed by November 1997.)

- Mutual recognition of functional equivalence for those requirements that mandate unique equipment design or performance but do not provide meaningful differences in motor vehicle safety. As explained by the industry conferees in Section IV of the Working Papers (p. 28): "mutual recognition is the process whereby two or more countries/regions recognize each other's regulatory requirements on a specific subject as satisfying the requirements of both/all parties." (The industry conferees suggested that this action be completed by November 1997.)

- Consideration of harmonizing other items including, theft protection systems, controls and displays, crash protection, bumper systems, and fuel system integrity.

Additional discussion and recommendations about safety were included in Section IV of the Working Papers (p. 31). Among them were:

- By June 1996, initiate a process to establish collaborative development and

exchange of NHTSA-EU regulatory agendas.

- By October 1996, complete bilateral agreement for periodic (at least semi-annual) NHTSA-EU meetings pre-regulatory matters and pre-regulatory research. Such meetings should allow for industry participation.

With respect to international research projects to support regulatory harmonization, the industry conferees suggested the following in Section IV of the Working Papers (p. 49):

- Develop a project to identify technical and performance differences between selected existing Federal motor vehicle safety standards and ECE/EU regulatory requirements on the same aspects of motor vehicle systems, and determine the significance of the performance differences with respect to motor vehicle safety performance.
- Develop a project to determine traffic targets and maneuvers that need to be seen and recognized that could form the basis for a performance based common regulation on vehicle lighting.
- Develop a project for the next generation of side impact testing, including dummy development and injury tolerance criteria.
- Develop a project for globally acceptable frontal impact configuration.
- Develop a project for a globally acceptable child dummy for child restraint testing.
- Develop a project to determine the cause of injuries resulting from rear impacts that could form the basis for a performance based common regulation on seat strength and head restraint design.
- Develop a project to define a common procedure for gathering accident data and uniform analysis.
- Coordinate global research on glazing performance requirements.
- Math model development and validation.

Environment

The industry conferees recommended that the following actions be taken in two phases. First, they recommended that the U.S. and EU take the following actions before November 1996:

- Prepare work plans to harmonize noise, electromagnetic compatibility, and smoke test procedures; and
- Seek to establish formal cooperation on the recognition of the principle of functional equivalence of regulations, streamlining of the certification processes, fuel harmonization, and harmonization of heavy duty requirements.

Second, they recommended that the following actions be taken beginning in November 1996:

- Conduct cooperative pre-regulatory research leading to regulatory harmonization.
- Cooperate in developing markets to eliminate use of ozone-depleting substances and leaded fuels, and adopt consistent control policies.

B. U.S. Government Statements

NHTSA

NHTSA Administrator Ricardo Martinez, M.D., told the conferees that the agency is sympathetic to working toward the goal of harmonization of existing and future motor vehicle safety standards, subject to the following conditions—

- Assuring that there is no degradation of motor vehicle safety.
- Preserving the quality and transparency of NHTSA's regulatory process by inviting all interested parties to be heard and duly considered, including the general public. In furtherance of this objective, Dr. Martinez announced plans for an outreach meeting to ensure that consumer and public interest organizations and other members of the public not present at the Conference would have the opportunity to state their views.
- Preserving NHTSA's ability to respond, through future rulemaking, to changing motor vehicle safety technology and problems.

Dr. Martinez also indicated that the agency strongly supports the coordination of international vehicle safety research. Given that the human body and mechanics by which trauma occurs in vehicle crashes follow the universal laws of science, Dr. Martinez stressed the importance of seeking common or complementary research approaches by all interested countries, and noted that the recent 15th ESV Conference would provide an opportunity to begin that effort.

Finally, Dr. Martinez stated that the U.S. intends to sign the UN/ECE 1958 Agreement *once* the structure and activities of the Agreement's forum, the Working Party on the Construction of Vehicles (WP29), are revised to ensure that the WP29 forum's primary focus will be the development of truly international regulations. Among the changes necessary are those ensuring that—

- The major vehicle producing countries and/or regions have an appropriate voice in setting and implementing priorities;
- Equal and transparent consideration is given to all relevant existing national regulations in establishing international regulations; and

- Only those regulations supported by careful analysis and good science are established as international regulations.

U. S. Environmental Protection Agency

The EPA Chief of Staff Peter Robertson, representing Administrator Browner, stated that the EPA is committed to strengthening multilateral efforts to protect the global environment and to develop environmental policy strategies for sustainable world-wide growth with particular attention to air pollution issues.

Mr. Robertson noted that since 1970, the U. S. Clean Air Act has dramatically reduced air pollution. Of particular note is—

- The 98 percent reduction of lead emissions that are known to cause infant mortality, reduced birth weights and childhood IQ loss. These pollution reductions occurred largely because of the phase-out of lead in gasoline, and controls on industrial lead sources.
- The significant reductions in other fuel combustion related pollutants such as nitrogen dioxide (NO_x), known to cause lung tissue damage and increased respiratory illness; sulfur dioxide (SO₂), known to cause increased respiratory illness, especially in asthmatics, and to be a major contributor to acid rain; and carbon monoxide (CO), known to cause reduced circulation and heart damage. EPA believes the global community can realize similar benefits.

Mr. Robertson commended the automotive industries' recognition that fuel quality plays a key role, not only in vehicle performance, but also in vehicle pollution. Clearly, significant global reductions in vehicle exhaust emissions will depend on the use of catalytic converter technology. EPA therefore supported industries' recommendations for the global phase-out of leaded gasoline and the harmonization of improved fuel quality, and expressed hope that their efforts would be expanded to promote clean alternative fuels for vehicles.

EPA agrees with the industry assessment that more should be done to eliminate both the use and production of ozone-depleting substances, particularly in developing countries.

The U.S. phase-out of CFC's and other ozone-depleting substances, in combination with international restrictions, has already produced improvements in the upper atmosphere's ozone layer. The automotive industry has played a significant role in fostering the development of alternatives to ozone-depleting substances through its influence in the market place. EPA encourages the U.S. automotive

industries to continue their efforts to develop products and manufacturing processes that are free of ozone-depleting substances.

EPA recognizes that harmonization of regulatory test protocols, conformity assessments and, where possible, environmental standards are several of the key elements in the equation for uniform global regulations. Absent efforts to effect a level of harmonization between divergent national regulations, one may anticipate the expenditure of valuable resources, both national and private, to address resultant trade issues. EPA has committed—

- To continue to actively pursue and support the concept of “technical harmonization” in its development of product performance standards and regulations. To this end, comments and recommendations are solicited from all interested parties as to how EPA might improve public participation in its rulemaking activities.
- To continue to exercise care in assessing potential adverse impacts that a specific harmonization action may have on current or future environmental goals.
- As a matter of policy, not to undertake the harmonization of environmental standards or regulations if such harmonization will result in decreased environmental benefits.
- To participate, to the extent possible, in any harmonization activity that contributes to improving the global environment.
- To give careful consideration to policies on trade and the environment that are mutually supportive, thus satisfying both environmental as well as trade objectives.

EPA believes that, in order for the U.S. to become a contracting party to the UN/ECE 1958 Agreement, the Agreement should be revised to incorporate the following principles—

- Open membership.
- Transparent proceedings.
- Equitable voting structure.
- Consideration of relevant national regulations in the development of global regulations.

Department of Commerce

Under Secretary of Commerce for International Trade Stuart Eizenstat identified some of the parameters of harmonization efforts. He emphasized the importance of continuing dialogue and stated that the aim of such efforts should be harmonizing differing standards, without lowering them to achieve unity. Further, he stressed that harmonization should be pursued on a bilateral basis between the U.S. and EU

before multilateralizing it to include other countries.

IV. Public Meetings

Before NHTSA and EPA decide how to respond to the recommendations by the industry conferees, they want to obtain the views of a broad spectrum of the public regarding the manner in which their regulatory harmonization efforts should proceed. Among the groups not present at the Washington Conference were motor vehicle equipment manufacturers, motor vehicle insurance companies, consumer interest groups, the medical community, state and local officials, and the public. The agencies wish to obtain the views of all interested parties, including individual motor vehicle manufacturers.

To provide a focus for the public comments, this document briefly discusses the broad subject areas and then sets forth a series of questions and issues that the agencies would like the public to address. The agencies believe that while there are problems and risks associated with harmonization, properly conducted efforts to harmonize vehicle research and regulation have the potential for enabling the vehicle regulatory agencies around the world to regulate “smarter and cheaper,” while increasing levels of safety and environmental protection.

A. Discussion of Safety and Process Issues

1. Harmonized Research

NHTSA has advanced the concept of a harmonized research agenda since the 1970's. The agency made several efforts in the late 1970's and early 1980's to develop a harmonized test procedure for measuring side impact performance. However, the rapidly changing regulatory priorities during that period on both sides of the Atlantic precluded the achievement of harmonized requirements for side impact protection.

The globalization of the motor vehicle industry and the budgetary constraints imposed on all government activities are leading regulatory agencies to cooperate in developing the supporting technical basis for new regulations and significant amendments to existing regulations. NHTSA's renewed push for harmonized research began in February 1995 when the agency issued a letter proposing the possibility of using the recent 15th ESV Conference to reach agreement on a globally harmonized research agenda. Dr. Martinez followed that initiative by presenting a multi-point plan for harmonized research at the 107th meeting of WP29 in November 1995. On a parallel track, the vehicle industry

recommended at the TABD conference in Spain and the follow-up conference in Washington that serious effort be made to achieving a harmonized pre-regulatory research agenda.

These combined efforts culminated at the 15th ESV Conference in May 1996 in an agreement on a globally harmonized research agenda that draws upon government and industry expertise around the world in vehicle safety issues. Agreement on a harmonized research agenda should enable the vehicle safety regulatory agencies around the world to develop future regulations in a harmonized fashion, reduce duplicative research and thus obtain more information for the same expenditure, and address the most pressing safety problems on a consistent, world wide basis. As a result, the participating countries will be able to minimize the differences between countries in regulatory requirements without lowering safety or environmental protection, thus providing economies of scale in the manufacturing arena and reducing costs for the consumer.

The agreement identifies 6 research priorities and designates a lead country or organization for each—

- *Biomechanics*—(U.S.) Efforts will be made to develop injury measurement surrogates for the head, neck, face, thorax, and lower limbs and to develop test procedures for all crash modes. The fact that these parts of the human anatomy do not differ from continent to continent is a powerful argument for cooperative effort in the development of such surrogates.

- *Functional equivalence*—(U.S./Australia) The U.S., in cooperation with Australia, will seek to develop the technical and scientific aspects of an acceptable model for determining the functional equivalence of existing regulatory requirements.

- *Advanced Offset Frontal Crash Protection*—(EC/European Experimental Vehicle Committee (EEVC)) Europe has been working for some time to develop and establish a frontal crash protection regulation and has chosen the route of an offset crash test as the means of achieving improved frontal protection. The U.S. has been cooperating in that development because it is concerned about the high number of fatalities that occur in frontal crashes that are not being mitigated by the existing frontal protection regulation. Thus, the development of harmonized test procedures based on real world crashes to assess safety performance and compatibility for offset frontal crashes should serve as a common basis for

further development of frontal crash protection regulations.

- *Vehicle Compatibility*—(EC/EEVC) This issue will be explored in two stages: car-to-car compatibility; and then car-to-truck compatibility. Recent and upcoming changes to vehicle structures and restraint systems in response to requirements for frontal and side impact protection will increase the importance of questions about the compatibility of small and large light vehicles.

- *Pedestrian Safety*—(Japan) Pedestrian fatality and injury levels are a serious safety problem worldwide. Thus, efforts will be made to develop a harmonized test procedure based on real world crashes to assess the safety performance of passenger vehicles in their interaction with pedestrians. The results should form the basis for a harmonized approach to regulations applicable worldwide.

- *Intelligent Transportation Systems*—(Canada) This effort will be aimed at developing test procedures to assess driver/vehicle interaction of crash avoidance and driver enhancement in-vehicle systems. Although the systems may be different in different parts of the world, the standards measuring their crash avoidance and driver enhancement performance should be common to all.

Although the schedule varies for the 6 priority areas, all are intended to be pursued urgently. None of the priority activities are to take more than 5 years. Some, including the functional equivalence effort, are on a much faster track.

To ensure steady progress and adherence to schedule, follow-up meetings will be held on a roughly semi-annual basis. An implementation review meeting will be held in conjunction with, but not as part of, the November 1996 meeting of WP29. International meetings of the Society of Automotive Engineers and various international forums as well as future ESV meetings will also be used to report on progress in implementing the research plans developed by the lead countries and organizations.

2. Mutual Recognition

The industry conferees recommended the development of a process for "mutual recognition" of regulatory requirements and certification procedures. They stated that it is an essential feature of the harmonization process that products complying to a harmonized requirement are accepted, or "mutually recognized," by all countries that are party to the harmonization agreement. Mutual recognition is a process, based largely

on an assessment of "functional equivalence" of comparable regulatory requirements, under which two or more countries or regions recognize each other's regulatory requirements on a specific subject as satisfying each other's policy objectives.

The industry conferees concluded that once a process for mutual recognition is developed, it should then be applied, by November 1997, to certain items currently regulated by both the U.S. and EU. These items include, but are not limited to, windshield wiping systems, safety belts, steering control system impact protection, and seating systems. The industry conferees also concluded that mutual recognition should be accorded, by November 1997, to functionally equivalent requirements that mandate unique equipment design or performance but do not provide meaningful differences in motor vehicle safety.

a. *Functional Equivalence of Regulatory Requirements.* The industry conferees in Washington recommended the development of a process for agreeing upon functional equivalence of regulatory standards. The industry conferees suggested further that the following five criteria be considered for use by regulatory agencies in determining functional equivalence for motor vehicle safety requirements:

1. Same/equivalent regulatory language or same/equivalent intent or purpose.
2. Same/equivalent design execution to meet regulatory requirements.
3. Substantial and substantive successful prior experience with acceptance of differing regulations, concerning the same systems in a single jurisdiction.
4. Same/equivalent test performance levels.
5. No substantive safety performance difference based upon field crash injury data assessment.

The industry conferees noted that where divergent requirements exist, more objective comparative assessments could be needed to provide a determination of functional equivalence. For example, additional criteria may have to be developed with respect to analytical modeling, jury assessment, comparative testing, and real world crash data analysis.

The industry conferees stated that AAMA and ACEA are committed to completing functional equivalence assessments for all regulatory requirements listed in Attachment IV-1 to the Safety Working Paper. (See the Appendix to this notice.)

At the 15th ESV Conference, Dr. Martinez discussed some of the challenges in making functional equivalence determinations. He noted that the purpose of determining whether existing standards are "functionally equivalent" is that—

(If) two different countries have regulations addressing the same aspect of a problem and accomplishing similar results, compliance with either regulation should be acceptable to both countries.

While determining functional equivalence sounds simple in concept, it may not necessarily be easy to do in practice. There is a need to define what is meant by saying that two regulations "accomplish essentially the same purpose" and to agree on what methods should be used to determine when that definition is satisfied. If two different regulations addressing the same problem are stated in nearly identical terms, it should be relatively easy to obtain agreement on whether they are functionally equivalent.

Typically, however, regulatory requirements are not stated in identical terms. Some regulations are based on performance, while others are based on design. Even if the two regulations addressing the same general problem are both based on performance, they may reflect entirely different approaches to solving the underlying safety problem. Finally, the regulations may differ substantially in their test procedures, and may cover different specific aspects of a general safety problem.

Before any regulatory body can reasonably conclude that a regulation of another country is functionally equivalent to one of its own regulations and permit compliance with the foreign regulation as an alternative to its existing regulation, it must assess and consider the safety consequences of granting that permission. Once "functional equivalence" is defined, many scientific techniques, such as crash data analysis, analytic modeling and comparative testing, can be used to help assess whether different requirements are functionally equivalent.

b. *Certification.* The processes for certification of compliance with motor vehicle safety and environmental regulations in the U.S. and Europe are based on fundamentally different principles. In Europe, and in the U.S. so far as emission regulations are concerned, manufacturers obtain type approval certificates from governmental agencies that their vehicles comply with the requirements before they are offered for sale or allowed to be driven on the road. In the U.S., although manufacturers must self-certify that they comply with the Federal motor vehicle safety and noise emission standards before their vehicles are offered for sale, they have no initial obligation to prove compliance with the regulations to a governmental agency.

The industry conferees noted that while global harmonization may proceed on the basis of common

technical requirements alone, e.g., by means of findings of functional equivalence, it may also be desirable to have one mutually acceptable certification process.

3. UN-ECE 1958 Agreement

NHTSA and EPA are participating, on behalf of the United States Government, in negotiations regarding a U.S. proposed revision to the UN/ECE 1958 Agreement. The current Agreement provides procedures for establishing uniform regulations regarding new motor vehicles and motor vehicle equipment and for reciprocal recognition of type approvals issued pursuant to such regulations primarily for use in Europe. It has succeeded in harmonizing many of the European vehicle safety and noise emission standards. In addition, some ECE Regulations are recognized or applied by some countries in non-European areas such as Asia, Australia, South Africa and South America. The Agreement is administered by the Working Party on the Construction of Vehicles (WP29), a subsidiary group of the ECE.

NHTSA and EPA recognize the value of a truly global standards harmonization forum, but believe that WP29 has not yet evolved into one. Accordingly, while the U.S. is a member of the UN/ECE, it is not a Contracting Party to the Agreement.

In November 1995, at the 107th session of WP29 in Geneva, Switzerland, the U.S. stated its criteria for revising the 1958 Agreement to create a truly global forum, which would include a process for developing globally harmonized regulations. These criteria addressed both the process of harmonization in which nations could engage if they so choose and the rights of nations on voting, adoption of global technical regulations, and accession to the agreement. Dr. Martinez declared the intent of the U.S. to sign an agreement if it satisfied those criteria.

NHTSA and EPA note that signing such an agreement would not commit the U.S. to adopting regulations harmonized under that agreement. Adoption of those standards would be voluntary. The U.S. would sign a revised agreement only under terms that reserve the decision about adoption of any harmonized regulation contingent upon the normal U.S. rulemaking processes under the Administrative Procedure Act and authorizing statutes of NHTSA and EPA.

NHTSA and EPA revised and expanded upon their criteria at the Washington Conference. Those criteria are contained in a document, "Synopsis

of Principal Elements of U.S. Proposed Amendments to the WP29 Agreement," which has been placed in the docket for this notice.

B. Topics for the Public Meetings

1. Safety and Process Issues

a. *Harmonized Research.*

1. What actions are needed by the U.S. to ensure a continuing commitment to coordinated research?

2. What kinds of data would be necessary to evaluate the effect on highway deaths and injuries of different standards addressing similar safety issues (e.g., frontal crashes, side impact, safety belt strength, etc.)?

3. If government agencies are to cooperate in their research on future rulemaking, must there be a single set of data to serve as the basis of such rulemaking?

4. Could governments expect to derive any financial benefits from such cooperative research programs, as compared with independently funding independent research?

5. Please comment on the research priorities agreed to at the 15th ESV Conference.

6. Are there other research issues, in addition to the six designated as priorities at the 15th ESV Conference, that should be on the agenda of globally harmonized research? If so, please explain why they should be added.

7. What steps should be taken to inform and involve the vehicle industry, the insurance companies, consumers groups, medical community and other interested groups and individuals regarding each priority research area?

b. *Mutual Recognition.* (If a commenter believes that its answer to any question would be the same for both crash avoidance standards and crashworthiness standards and/or air and noise emission standards, please so indicate. Conversely, if the answer would be different, please indicate how, and why. Similarly, please indicate if an answer would be the same with respect to standards that yield relatively high benefits and standards that yield relatively low benefits.)

8. How should "functional equivalence" be defined?

9. What criteria should be used in determining the functional equivalence of two standards?

10. Are the criteria suggested by the industry conferees suitable for use by regulatory agencies in determining functional equivalence for both motor vehicle safety and environmental requirements?

11. Where divergent requirements exist, more objective comparative

assessments could be needed to provide a determination of functional equivalence. For example, would additional criteria have to be developed with respect to analytical modeling, jury assessment, comparative testing, and real world crash data analysis?

12. Should "functional equivalence" serve as the basis for mutual recognition by two or more countries of their regulatory requirements?

13. Although there is general agreement that harmonization must not result in a reduction in real world safety or environmental performance, on what basis should this judgment be made?

14. Can the "harm reduction" analysis mentioned in the Section IV of the Working Papers and used by the Australian Federal Office of Road Safety in comparing the benefits of the U.S. side impact standard (Federal Motor Vehicle Safety Standard (FMVSS) No. 214) and EU side impact standard (ECE R95) be used generally to compare the benefits of U.S. and EU standards? The harm reduction method adopts a "systematic approach to estimating benefits by body region injured for a range of suitable variables and uses objective performance data to establish likely injury reductions."

Another methodology for estimating benefits is NHTSA's "cost per equivalent life saved."⁵ In the environmental area, there is the EPA's "cost per ton of pollution removed" methodology. Are there other comparative methods that might be considered? What practical problems or limitations would those methods have? How could those problems and limitations be overcome or at least minimized?

NHTSA notes that the harm reduction analysis of the side impact regulations mentioned above considered benefits only. While the primary question in determining functional equivalence would be the relative benefits of two regulations addressing the same issue, NHTSA must consider costs as well as

⁵In addressing the impact of proposed regulations, NHTSA performs a cost effectiveness analysis in which nonfatal injuries are valued relative to a fatality. These "equivalent fatalities" are then added to fatalities to determine the total equivalent fatalities prevented. Any monetary impacts which are not directly associated with bodily injury, such as property damage or travel delay, are deducted from the cost of the countermeasure. The remaining net cost is then divided by the total equivalent fatalities to determine the net cost per equivalent fatality. This represents the money society must spend under the proposed countermeasure to prevent one death, or its equivalent in nonfatal injuries. Policy makers assess this cost in light of current economic, social, and political considerations before determining whether to require new safety features.

benefits in issuing or amending a FMVSS.

(A copy of the analysis, "Harm Reduction for Estimating Countermeasure Benefits," by Brian Fildes and Kennerly Digges, has been placed in the docket for this notice.)

15. Is the process underlying the format for making a functional equivalence determination shown in Attachment IV-2 to the Safety Working Paper a suitable basis for determining functional equivalence between U.S. and EU standards? For an example of the process format, see the Appendix to this notice.

16. If there were an accepted body of data that describes the real world performance of a given requirement, would a regulatory agency have the ability to justify a statement that two different regulations, addressing the same aspect of motor vehicle safety or environmental pollution, are functionally equivalent?

17. If scientific techniques such as crash data analysis, analytic modeling, and comparative testing were applied to understanding real world safety performance of differing regulatory requirements, would there be an objective basis for defending a judgment of a functional equivalence?

18. How are the problems of harmonization between a regulatory system based on self-certification and one based on type approval to be minimized? Is it practicable to have one mutually acceptable certification process? If so, what steps should be taken to move in that direction?

19. What impact would mutual recognition have on NHTSA's and/or EPA's compliance testing? What implications would amending the FMVSSs to permit compliance with functionally equivalent ECE regulations have for NHTSA's compliance testing costs and enforcement? What implications would amending the EPA air and noise emission regulations have for EPA's compliance testing costs and enforcement?

c. *UN/ECE 1958 Agreement*. (The first two questions below are based on recommendations by the industry conferees in Section III of the Working Papers.)

20. Would it be possible for the U.S. to participate in the development of new regulatory requirements through WP29 with the intent of adopting them into national or regional laws, to the extent possible?

21. What actions are statutorily or administratively necessary to permit the U.S. to participate in the development of new regulatory requirements through

WP29 with the intent of adopting them into law, to the extent possible, and for WP29 to fulfill this task?

22. The statutory provisions authorizing NHTSA's and EPA's standard setting and the Administrative Procedures Act would prevent both agencies from committing to adopt international regulations adopted by WP29, now or in the future. However, it would be permissible to establish a policy of publishing notices requesting public comment on new regulations as they are adopted by WP29. Were the UN/ECE 1958 Agreement revised sufficiently to make it appropriate for the U.S. to become a Contracting Party, should NHTSA and EPA consider establishing such a policy?

4. *Environmental Issues*. The public meeting on July 11 will focus on the issues in the Working Paper on the Environment (Section V).

5. *Other Issues*. NHTSA and EPA invite comment on any other issues raised by the "Overall Conclusions" and "Working Papers" of the Washington Conference and any other issue relevant to international harmonization.

C. *Procedural Matters regarding the Public Meetings and Written Comments*

1. Public Meeting Procedures

All interested persons and organizations are invited to attend the meetings. Persons wishing to speak at the public meeting regarding safety and regulatory process issues should so inform the NHTSA contact person by July 5, 1996. Persons wishing to speak at the public meeting regarding environmental issues should so inform the EPA contact person by July 5, 1996. A schedule of persons making oral statements will be available in the designated meeting room at the beginning of the meetings.

Oral statements should be limited to 20 minutes. If the number of requests for oral statements exceeds the available time, the agencies may ask prospective speakers and organizations with similar views to combine or summarize their statements. If the statement will include slides, motion pictures, or other visual aids, please inform the NHTSA contact person so that the proper equipment may be made available. NHTSA will place a copy of any written statement for oral presentation in the docket for this notice. A verbatim transcript of the meetings will be prepared and also placed in the docket as soon as possible after the meeting.

The presiding officials may ask questions of any person making an oral statement. The public may not directly question persons making oral

statements. However, the public may submit, in writing, suggested questions for the officials to consider addressing to the presenters.

To facilitate communication, NHTSA will provide auxiliary aids to participants as necessary, during the meetings. Thus, any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications, devices for deaf persons (TDDs), readers, tape texts, braille materials, or large print materials and/or magnifying device), should inform the NHTSA contact person.

2. Written Comment Procedures

Any interested person can submit written comments in response to this notice. Persons wishing to submit written comments need not attend the meeting. It is requested, but not required, that 10 copies be submitted.

All written comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary 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.

To facilitate the distribution and reading of comments relating to a particular issue area, commenters are requested to divide their written comments into two segments: (1) safety and regulatory process, and (2) environment.

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

Those persons desiring to be notified upon receipt of their written 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.

If a commenter wishes to submit certain information relating to safety or regulatory process 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 information regulation. 49 CFR Part 512. If a commenter wishes to submit certain information relating to environmental issues under a claim of confidentiality,

the commenter should contact the office of the EPA General Counsel.

Issued on: June 12, 1996.

Frank Turpin,
Director, NHTSA Office of International Harmonization.

APPENDIX—FMVSS 209 77/541/EEC, ECE R16 SAFETY BELTS

[Safety Working Paper, Attachment IV-2, Functional Equivalent Process]

Item	FMVSS	EU	ECE	Technical differences in regulations	Performance differences for products	Product impact	Safety benefits
Subject	Seat belt assemblies—209.	Safety belts and Restraint Systems for Adult Occupants of Power-driven Vehicles—77/541/EEC.	Safety belts and Restraint Systems for Adult Occupants of Power-driven Vehicles—ECE R-16.				
Vehicle Application.	Passenger cars, MPV's, trucks and buses.	Power-driven vehicles with four wheels, a design speed > 25 km/h and intended as individual equipment by adult persons in forward facing position.	Power-driven vehicles with three or more wheels and intended for use as individual equipment, by persons of adult build occupying seats facing forward.	77/541/EEC is applicable to M1 vehicles—a passenger vehicle with a capacity of 9 passengers or less including driver.			
Safety Belt System Hardware Application.	Type 2 front and rear outboard seat positions. Type 1 or 2 front and rear center seat positions. FMVSS 208 upper torso requires emergency locking retractor, lower torso (lap belt) requires ELR, ALR or manual adjustment device.	Type A (lap/shoulder belt) for front and rear outboard seat positions. Type A or B (lap belt) in front and rear center positions.	Type A (lap/shoulder belt) for front and rear outboard seat positions. Type A or B (lap belt) in front and rear center positions.	Basically the same for three and two point belt systems. Except (1) EEC/ECE retractors require two emergency locking sensors; FMVSS 209 requires one. (2) FMVSS 209 requires a child seat locking device [except driver's seat] that is integral with belt & retractor assembly.	Seat belt systems hardware are basically the same, except for compliance to some unique performance requirements and procedures noted below.	

APPENDIX—FMVSS 209 77/541/EEC, ECE R16 SAFETY BELTS—Continued

[Safety Working Paper, Attachment IV-2, Functional Equivalent Process]

Item	FMVSS	EU	ECE	Technical differences in regulations	Performance differences for products	Product impact	Safety benefits
Test Procedures and Requirements.	Webbing Sensitivity: If the retractor is sensitive to webbing withdrawal it must not lock before the webbing extends 2 inches (50.8 mm) when the retractor is subjected to an acceleration $< \text{ or } =$ to 0.3g—test with webbing at 75% extension—apply acceleration of 0.3g within 0.05 seconds or at a rate $> \text{ or } =$ to 6g's/sec.	Webbing Sensitivity: Retractor must not lock at strap accelerations of less than 0.8g in the direction of unreeling. If locking does not occur before 50 mm of webbing is unwound, this is considered satisfied. Retractor—must lock within 50 mm of strap movement at webbing accel relative to the retractor of not less than 2.0g—test with 300 mm $+ \text{ or } -$ 3mm of webbing remaining in the retractor—apply accel at a rate > 25 g's/sec and < 150 g's/sec.	FMVSS 209 does not require locking by this requirement.	Both FMVSS 209 and 77/541/EEC.ECE 16 have a no-lock requirement, but only 77/541/EEC.ECE 16 has a lock requirement. This does not have any effect on retractor lock-up because both regulations have a vehicle sensing lock-up feature as a primary method. EEC/ECE requires two methods of sensing emergency (or inertia) lock-up, whereas FMVSS requires only one. Apparent benefit is that occupant can verify that the retractor will lock-up by quickly pulling on belt. This feature is considered as a back-up to vehicle sensing lock-up, even though there is no evidence that such a feature is required.	Compliance with EEC/ECE requirements may be considered a nuisance to U.S. consumers because of higher frequency of belt lock-ups.	

U.S./EU Harmonization—Examples of Performance Elements Regulated in the U.S. and EU

Safety Working Paper, Attachment IV-1, EU/U.S. Listing of Regulations

Short Term

Windshield defrosting and defogging systems

Windshield wiping and washing systems

Tire selection and rims

Headlamp concealment devices

Occupant protection in interior impact (frontal)

Head restraints

Impact protection for the driver from the steering control system
Steering control rearward displacement
Glazing materials
Door locks and door retention components
Seating systems

Medium Term

Controls and displays

Lamps, reflective devices and associated equipment

Rearview mirrors

Theft protection

Vehicle identification number—basic requirements

Air brake systems

Passenger car brake systems

Seat belt assemblies
Seat belt assembly anchorages
Child restraints systems

Seating reference point

Side impact anthropomorphic test dummy

Long Term

Occupant crash protection in frontal impact

Side impact protection

Occupant protection in interior impact (other than frontal)

Fuel system integrity

Flammability of interior materials

Bumpers

Side impact barrier

Child anthropomorphic test dummies
[FR Doc. 96-15331 Filed 6-12-96; 5:03 pm]
BILLING CODE 4910-59-P

Surface Transportation Board¹

[STB Docket No. AB-290 (Sub-No. 182X)]

Norfolk Southern Railway Company— Abandonment Exemption—in Claiborne and Campbell Counties, TN

Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 14.3 miles of its line of railroad between milepost O.O-TC at Arco Junction and milepost 14.3-TC at Arco, in Claiborne and Campbell Counties, TN.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 17, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,²

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by June 27, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 8, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by June 21, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: June 11, 1996.

By the Board, David M. Konschnik,
Director, Office of Proceedings.
Vernon A. Williams,
Secretary.

[FR Doc. 96-15294 Filed 6-14-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Treasury.

of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

⁴ The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

ACTION: Notice of calculation and interest.

SUMMARY: This notice advises the public of an increase in the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning July 1, 1996, the rates will be 8 percent for overpayments and 9 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT:
Harry Bunn, Accounting Services
Division, Accounts Receivable Group,
6026 Lakeside Boulevard, Indianapolis,
Indiana 46278, (317) 298-1200,
extension 1252.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the Federal Register on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less, and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter. The rates of interest for the fourth quarter of fiscal year (FY) 1996 (the period of July 1–September 30, 1996) are increased to 8 percent for overpayments and 9 percent for underpayments. These rates will remain in effect through September 30, 1996, and are subject to change for the first quarter of FY-1997 (the period of October 1–December 31, 1996).

Dated: June 12, 1996.

Samuel H. Banks,

Acting Commissioner of Customs.

[FR Doc. 96-15317 Filed 6-14-96; 8:45 am]

BILLING CODE 4820-02-P

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-