at least 70 miles. The Commission has proposed to allow applicants to submit technical showings that demonstrate that in specific instances, spacings at less than this distance may be acceptable. The purpose of the proposal is to foster more intensive use of the spectrum.

DATES: Comments are due March 19, 1991. Reply Comments are due April 3, 1991.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: F. Ronald Netro, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rule Making, PR Docket No. 90–34, adopted February 5, 1991, and released February 20, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 Twenty First Street, NW. 20037 (202) 452–1422.

Summary of Notice of Proposed Rule Making

1. The FCC's Rules provide that Specialized Mobile Radio (SMR) systems are afforded interference protection based on fixed mileage separations from co-channel systems. 47 CFR 90.621(b). The FCC permits "short-spacing" of SMRs on a waiver basis where there is mutual agreement among co-channel licensees. In the absence of mutual agreement, an applicant can also request waiver of the mileage separation if it can demonstrate through an appropriate technical showing that existing licensees are afforded adequate interference protection. The Notice of Proposed Rule Making in this proceeding, 5 FCC Rcd 1135 (1990) 55 FR 8966, March 9, 1990, proposed to permit SMRs to short-space without requiring a waiver if all affected co-channel licensees concur. This Further Notice of Proposed Rule Making solicits further comment on amending the rules to permit short-spacing requests based on technical showings without requiring a waiver.

2. The Further Notice of Proposed Rule Making emphasized that it is not proposed to reduce the level of scrutiny that short-spaced applications currently receive as waiver applications. Comments are requested, however, on whether safeguards should be implemented to ensure that the rights of existing licenses are adequately protected. The Further Notice of Proposed Rule Making also seeks comments on the contents of the technical showings and proposes that such showings should at least includes the following information: (1) The identity of all co-channel stations considered within the mileage separation; (2) diagrams showing the 30 dBu contour of the proposed station and the 40 dBu contours of the existing stations; (3) specification of the interference criteria and system parameters used in the interference study; and (4) a description of the propagation models, any engineering assumptions made, and any special terrain features considered in computing the interference impact. Comments are sought on these and any other relevant issues.

Regulatory Flexibility Act Initial Analysis

3. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, an initial regulatory flexibility analysis has been prepared. It is available for public reviewing as part of the full text of this decision, which may be obtained from the Commission or its copy contractor.

Paperwork Reduction Act Statement

4. The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose a new or modified information collection requirement on the public. Implementation of any new or modified requirement will be subject to approval by the Office of Management and Budget as prescribed by the Act.

Lists of Subjects in 47 CFR Part 90

Administrative practice and procedure, Business and industry, Civil defense, Common Carriers, Communications equipment, Emergency medical services, Handicapped, Radio, Reporting and recordkeeping requirements.

Amendatory Text

Accordingly, 47 CFR Part 90 is proposed to be amended as follows:

1. The authority citation for part 90 would continue to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

2. 47 CFR 90.621 is proposed to be amended by adding new paragraphs (b)(4) and (b)(5) to read as follows:

§ 90.621 Selection and assignment of frequencies.

* * * * *

(b) * * *.

(4) The separation between co-channel systems may be less than the separations defined above if the applicant submits with its application letters of concurrence indicating that the applicant and each co-channel licensee within the specified mileage separation agree to accept any interference resulting from the reduced separation between their systems. Each letter from co-channel licensee must certify that the system of the concurring licensee is constructed and fully operational.

(5) The separation between co-channel systems may be less than the separations defined above if the applicant submits a frequency engineering analysis showing interference protection to co-channel stations equivalent to that provided by the mileage separation. At a minimum, such showings must contain the identity of all co-channel stations considered within the mileage separation; diagrams showing the 30 dBu contour of the proposed station and the 40 dBu contours of the existing stations; specification of the interference criteria and system parameters used in the interference study; and a description of the propagation models, any engineering assumptions made, and any special terrain features considered in computing the interference impact.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–4389 Filed 2–25–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 198

[Docket PS–119]

Allocation Formula for State Grants

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This ANPRM solicits ideas on revising the allocation formula for distributing federal pipeline safety grants to states beginning in Calendar Year (CY) 1992. The purpose of the grant funds is to encourage the states to adopt and enforce minimum federal pipeline

safety regulations. The Department of Transportation is revising the allocation formula to encourage states to further enhance pipeline safety and improve the efficiency of their programs.

DATES: Interested parties are invited to submit comments by April 1, 1991. Responses to this ANPRM will be used in developing a Notice of Proposed Rulemaking, scheduled for issuance by June 30, 1991. The planned timing for publishing a Final Rule is October 1, 1991, to meet the objective of a revised allocation formula for use in distributing pipeline safety grants in CY 1992.

ADDRESSES: Send comments in duplicate to the Dockets Unit, Room 8417, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice number stated in the heading of this notice. All comments and docketed material will be available for inspection and copying in Room 8419 between 8:30 a.m. and 5 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: G. Tom Fortner, (202) 366–4564, or Karen Sagett, (202) 366–4577, regarding the subject matter of this ANPRM, or the Dockets Unit, (202) 366–5046, for copies of this document or other materials in the docket.

SUPPLEMENTARY INFORMATION:

Background

The Natural Gas Pipeline Safety Act of 1968 (NGPSA) and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) authorize the Department of Transportation to develop, issue, and enforce minimum pipeline safety regulations. The NGPSA and HLPSA also provide for state government assumption of all or part of the *intrastate* regulatory and enforcement responsibility under an annual certification or agreement with the Department. As a condition for certification, a state must adopt, as a minimum, the federal pipeline safety regulations and may adopt additional or more stringent regulations as long as they are compatible with the federal regulations. A state must also provide for injunctive and civil penalty sanctions substantially the same as those found in the federal regulations. Federal development of minimum pipeline safety regulations assures uniformity nationwide, while state enforcement of the regulations places responsibility for ensuring pipeline safety closer to the public. The resulting federal/state partnership maximizes available resources and allows for effective nationwide implementation of the pipeline safety program.

A state which does not satisfy the criteria for *certification* may enter into an *agreement* to undertake certain aspects of the pipeline safety program for intrastate facilities on behalf of the Department. In addition, a state may enter into an agreement to inspect interstate pipeline operators as an agent for the Department. As an agent, the state forwards any potential violations to the Department for enforcement.

Federal grant funds are intended to be an incentive to states to improve program performance and to assume full and active jurisdiction over *all* intrastate pipeline facilities (natural gas transmission and hazardous liquid pipelines; gas distribution systems, including municipally-owned systems; liquefied natural gas plants; master meter systems; and liquefied petroleum gas systems). A listing of participating states including a tabulation of their pipeline jurisdiction is available through the Dockets Unit.

The Department is authorized to provide up to 50 percent of the cost of personnel, equipment, and activities reasonably required by the state to carry out a pipeline safety program. States must submit an application for grant funds by September 30 to qualify for allocation of funds in the subsequent calendar year. The application includes a description of the state's pipeline safety program proposed for the following year together with an estimated budget. (It should be noted that the level of federal funding is based on the actual cost of operating the program, not the initial estimate submitted in a state's application.)

CY 1981–1984 Allocation Formulas

For calendar years 1971 through 1980, grant appropriations were sufficient to fund 50 percent of each state's gas program request. In 1981, and in each succeeding year, requests exceeded appropriations, and methods of allocation were developed to support state programs with the funds available. In the initial allocation formula developed to distribute funds in 1981, each state requesting less than $75,000 for reasonable program costs was allocated its full request. The states with larger program expenses were allocated $75,000 plus amounts based on a proportionate sharing of the remaining funds. In 1982, the formula was changed to provide each state asking for $70,000 or less with 70 percent of its request, up to a maximum of $49,000. Those states requesting more than $70,000 were allocated $49,000 plus a proportionate share of the remaining funds.

In allocating grant funds in 1983, a modification of the formula recommended by the National Association of Regulatory Utility Commissioners (NARUC) Staff Subcommittee on Gas Pipeline Safety was used following consultation with the state partners. The percentage factor of 45 percent was applied for requests greater than $250,000, then increased in 1 percent increments to a maximum of 99 percent for each decrease of $5,000 in the amount requested. This formula was also utilized in 1984 with one minor change in the percentage factor. This concept assured that states with small programs received 50 percent of the cost of the state program, and states with larger programs received more money, but a smaller percentage of the cost of running their programs.

CY 1985–1989 Allocation Formulas

In 1985, the Department determined that, as a matter of policy, the grant program should be used as an incentive to improve state program performance and to encourage states to take on more responsibility for pipeline satety within their states. Therefore, the allocation method used in 1985 added a factor for program performance. The criteria used included status of state participation, jurisdiction of operators, inspector qualifications, number of inspectors, and level of inspection activity. A state's rating was derived from information provided in state certification documents. Twenty percent of the gas grant funds was allocated based on the performance factor (with a highest criteria score receiving the maximum allotment and each descending score receiving a lower proportion). The remaining 80 percent of the funds was allocated under the percentage factor discussed previously. Again, the state partners were informally consulted and supported the formula.

In 1986, the Department merged the natural gas and hazardous liquid grants. In the remaining allocation process, 95 percent of the grant appropriation was dedicated to gas grants and 5 percent to hazardous liquid grants. The Department also increased the performance factor from 20 to 25 percent. Basically the same formula was used to distribute funds in 1987 through 1989.

CY 1990 Allocation Formula

In 1990, as in 1986–1989, 95 percent of the appropriation was allocated to natural gas and 5 percent to hazardous liquid. The 95 percent earmarked for natural gas was split into three subdivisions. The first subdivision was

reserved to fund a portion of travel expenses to the 1990 federal/state regional and national meetings, as requested by the National Association of Pipeline Safety Representatives (NAPSR). The second and third subdivisions essentially followed the formula used since 1985. Seventy-five percent of the remaining amount (second subdivision) was allocated by multiplying the state request by a percentage factor inversely related to the level of the request. The resulting amount became the state's *primary allocation*.

The remaining 25 percent (third subdivision) was allocated according to state performance, reflecting the degree to which a state had met certain goals established by the Department. Numeric points were assigned for achieving specific levels of performance based on information in the 1990 certifications. The resulting amount became the *secondary allocation*. The sum of the primary and secondary allocations then became the state's *final allocation*. An example follows of the 1990 allocation process using three actual state requests for federal funds:

EXAMPLE OF STATE ALLOCATION (CY 1990/GAS)

	State A	State B	State C
State request for Fed funds (50% of total State program)	$15,394	$127,585	$259,727
Primary allocation	10,199	63,155	79,118
Secondary allocation	5,002	26,939	25,903
Final allocation	$15,201	$90,094	$105,021
Percent of Total State budget received under Fed funds	49%	35%	20%

The 5 percent of the 1990 appropriation earmarked for hazardous liquid grants was distributed along the same lines as the natural gas grants with three subdivisions: an amount reserved for travel expenses; 75 percent of the remaining amount based on the level of the state request; and 25 percent based on state performance. A detailed description of the CY 1990 allocation formula is available through the Dockets Unit.

Revisions to the Formula

When NGPSA was originally passed in 1968, one of the main objectives was to further a national approach to pipeline safety. The grant program was set up to encourage the states to adopt and enforce the federal regulations. As such, the Department initially allocated grant funds to the states based on whether or not they had adopted the federal regulations. As more and more states adopted the federal regulations over the years, the Department revised the grant allocation formula to begin encouraging states to go beyond basic adoption and improve the efficiency of their programs. In 1985, a 20 percent performance factor was introduced into the formula; in 1986, the performance factor was increased to 25 percent. A number of states believe the weight given to performance in the formula should be increased even more to assure equity and fairness.

To address state concerns about formula inequities and related grant funding issues, the Research and Special Programs Administration (RSPA) staff has met with representatives of NARUC and NAPSR over the last 6 months. These discussions have covered state suggestions on revising the allocation formula as well as state recommendations for a "minimum level" staffing formula which will define a reasonable number of inspectors necessary for an adequate state pipeline safety program. Additionally, states have voiced strong concern about the lack of federal funding at the full 50 percent level intended by Congress, particularly in light of the increasing state workload and costs associated with new federal mandates (e.g., reporting safety-related conditions, drug testing). NARUC, in its 1990 annual meeting, passed a resolution requesting Congress and the Department to increase funding of the natural gas program to provide full 50 percent funding of state personnel, equipment, and activity costs.

Request for Comments

To assist RSPA in revising the allocation formula so it is reasonable for all states, while assuring the level of commitment Congress intended, interested parties are invited to submit their ideas for determining the best mix of formula factors and appropriate weights to be assigned to each. One aim in revising the formula is to build in flexibility for refinement over the years as the pipeline safety program continues to evolve. Factors to consider include, but are not limited to:

1. The extent to which a state inspects *all* pipeline operators (e.g., master meter systems, municipally-owned systems) and enforces minimum federal pipeline safety standards.
2. The frequency, quality, and type of state inspections and incident investigations conducted.
3. The number of state inspectors and support staff available.
4. The percent of staff time spent on inspections.
5. State inspector qualifications, including compliance with training requirements.
6. State adoption of applicable federal regulations.
7. State adoption of damage prevention program.
8. State enforcement of regulations, including assessment of penalties.
9. State attendance at federal/state pipeline safety meetings.
10. Adequacy of state recordkeeping procedures and ability to retrieve data.

Additionally, RSPA is seeking reactions to the following issues:

1. Should the formula address funding of state pipeline safety programs at only a base (or "minimum") level of performance? What is a base-level program—i.e., what is the range of "reasonable performance" that should be expected of all states? Should the formula provide incentives to states which go beyond the base level? If so, how could these incentives be factored into the formula?
2. How can relatively smaller state programs and marginal programs be protected from an abrupt drop in funding level if the formula is revised? Should some type of "grandfather" provision be adopted that would maintain funding at the existing level for a predetermined period to allow a state to meet revised performance standards? If such a provision is adopted, how many years should it be in effect?
3. Should the revised formula be phased in over a several year period or should it be introduced immediately without any transition? If phased in, how would this be done?
4. What incentives might be used to convince states currently not in the program to participate? What can be

done to keep states from dropping out of the program?

5. Should the formula take into account annual aberrations a state may experience but over which it has little control that could adversely affect its funding level? (One way to resolve this problem might be to base computations for certain factors on a period of time greater than 1 year.)

6. Should be results of the state monitoring visit by the RSPA Office of Pipeline Safety staff be factored into the formula? How would this be done?

7. Should a portion of grant funds be set aside for special projects and initiatives that may come up from year to year (e.g., to expand jurisdictional responsibility; to develop and implement a one-call notification system)?

Interested parties are not limited to submitting comments only on the questions presented above and may submit any facts and views consistent with the intent of this notice.

Issued in Washington, DC, on February 20, 1991.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 91-4376 Filed 2-22-91; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

[Docket. No. 82-21; Notice 03]

49 CFR Part 571

Evaluation Report on Fuel System Integrity; Federal Motor Vehicle Safety Standards; Motor Vehicle Fuel Systems

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

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of an evaluation report concerning Federal Motor Vehicle Safety Standard No. 301, "Fuel System Integrity." This staff report evaluates the safety effectiveness, benefits, and costs of vehicle modifications made to improve the structural integrity of fuel systems of passenger cars, light trucks, and school buses. The report was developed in accordance with Executive Order 12291, which requires Federal agencies to conduct periodic reviews of major regulations they have promulgated. NHTSA seeks public review and comment on this evaluation study. Comments received will be used to complete the review as required by the Executive Order.

DATES: Comments must be received no later than May 28, 1991.

ADDRESSES: Interested persons may obtain a copy of the report free of charge by sending a self-addressed mailing label to Ms. Glorious Harris (NAD-51), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590 (202-366-4949). (Docket hours, 9:30 a.m.-4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim. Director, Office of Standards Evaluation, Plans and Policy, National Highway Traffic Safety Administration, room 5208, 400 Seventh Street, SW., Washington. DC, 20590 (202-366-1574).

SUPPLEMENTARY INFORMATION: Standard No. 301 (49 CFR 571.301), "Fuel System Integrity," specifies certain requirements for the integrity and security of fuel systems of passenger cars, light trucks, multipurpose passenger vehicles, and some types of buses (including school buses). Vehicles must withstand barrier crash tests, from various directions and of specified severities, while maintaining the basic integrity of the fuel system, including all related components. The purpose of the Standard is to reduce the likelihood of death and injury due to fires in vehicle crashes which result from fuel system rupture and fuel leakage. The Fuel System Integrity Standard was first issued in 1967 and, at that time, established performance requirements only for frontal impact crashes involving passenger cars. During the period from 1975 through 1977, the Standard was revised to also include performance requirements for rear impact, side impact, and rollover type crashes, and also to extend coverage to light trucks, multipurpose passenger vehicles, and certain classes of buses.

In accordance with Executive Order 12291, NHTSA is conducting an evaluation study of the fuel system integrity standard to assess the effectiveness, benefits, and costs of vehicle modifications made by automotive manufacturers in reducing vehicle crash fires and associated fatalities and injuries. This report is the agency's second analysis of the effectiveness of the standard. The analysis is based on actual on-the-road crash experience of vehicles built both before, and after, Standard 301 became effective, and utilizes multiple years of accident data from 5 States plus 14 years of data from the agency's Fatal Accident Report System. Cost estimates are derived from information furnished by the automotive manufacturers on the vehicle modifications made by their companies in response to the requirements set forth by the Standard.

The principal findings and conclusions of this study are the following:

- FMVSS 301 has been effective in reducing the incidence of fire in passenger car crashes. No reduction in fire-related fatalities was found; the force levels encountered in fatal fire crashes may generally exceed the levels set by the standard. Burn injuries may have been reduced, but the evidence is insufficient for definitive conclusions.
- For light trucks built after FMVSS 301 took effect, no reduction in fires was found, either for all police reported crashes, or for fatal crashes. alone. It is possible that the pre-existing design and location of fuel system components afforded greater impact protection for light trucks than for passenger cars.
- Data on fires in school bus crashes were too sparse to permit an assessment of the effect of FMVSS 301.
- Older vehicles are more likely to experience fire crashes than new vehicles. One reason for this is believed to be the general degradation and weakening of vehicle structures and components over time.
- The fire rate in fatal passenger car crashes has increased significantly during 1975-1988. An increased proportion of older cars in the population is believed to be a principal reason behind this increase. Vehicle downsizing does not appear to be an important factor since fire rates did not vary with vehicle weight.
- In police accident data, burn injuries cannot be distinguished from injuries caused by impact forces. Since both fire risk and injury severity increase with increasing impact forces, the role of fire in injury causation cannot be determined.
- FMVSS 301 has added § 9.70 (in 1988 dollars) to the lifetime cost of owning and operating a passenger car. Corresponding costs for light trucks, small (Type II) school buses, and conventional (Type I) school buses are $30, $25.60, and $234, respectively.

NHTSA seeks public review of the evaluation study and invites reviewers to submit comments. It is requested but not required that 10 copies of comments be submitted.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-