may also file informal comments or an exact copy of formal comments electronically via the Internet at <http://gullfoss.fcc.gov/cgi-bin/websql/cgi-bin/comment/comment.hts>. Only one copy of electronically-filed comments must be submitted. A commenter must note whether an electronic submission is an exact copy of formal comments on the subject line. A commenter also must include its full name and Postal Service mailing address in its submission. Parties are also asked to submit their comments and reply comments on diskette. Such diskette submissions are in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Sheryl Todd of the Common Carrier Bureau, 2100 M Street, N.W., Room 8611, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using WordPerfect 5.1 for Windows or compatible software. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comments) and date of submission. Each diskette should contain only one party's comments in a single electronic file. The diskette should be accompanied by a cover letter.

Ordering Clauses

91. It is ordered, pursuant to Sections 1, 4(i) and (j), and 254 of the Communications Act as amended, 47 U.S.C. §§ 151, 154(i), 151(j), and 254, that the Further Notice of Proposed Rulemaking is hereby adopted and comments are requested as described above.

92. It is further ordered, pursuant to §§ 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91, 0.291, that authority is delegated to the Common Carrier Bureau to issue orders in this proceeding directing model proponents to make certain changes in their models in order for those models to remain under consideration in this proceeding.

List of Subjects

47 CFR Part 54

Universal service.

47 CFR Part 69

Communications common carriers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Attachment A, Service List

The Honorable Reed E. Hundt, Chairman, Federal Communications Commission, 1919 M Street, NW., Room 814, Washington, DC 20554

The Honorable Rachelle B. Chong, Commissioner, Federal Communications Commission, 1919 M Street, NW., Room 844, Washington, DC 20554

The Honorable Susan Ness, Commissioner, Federal Communications Commission, 1919 M Street, NW., Room 832, Washington, DC 20554

The Honorable James H. Quello, Commissioner, Federal Communications Commission, 1919 M Street, NW., Room 802, Washington, DC 20554

The Honorable Julia Johnson, State Chair, Chairman, Florida Public Service Commission, 2540 Shumard Oak Blvd., Gerald Gunter Building, Tallahassee, FL 32399–0850

The Honorable David Baker, Commissioner, Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, GA 30334–5701

The Honorable Sharon L. Nelson, Chairman, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Dr. SW., P.O. Box 47250, Olympia, WA 98504–7250

The Honorable Laska Schoenfelder, Commissioner, South Dakota Public Utilities Commission, State Capitol, 500 East Capitol Street, Pierre, SD 57501–5070

Martha S. Hogerty, Missouri Office of Public Council, 301 West High Street, Suite 250, P.O. Box 7800, Jefferson City, MO 65102

Tom Boasberg, Federal Communications Commission, Office of the Chairman, 1919 M Street, NW., Room 814, Washington, DC 20554

Charles Bolle, South Dakota Public Utilities Commission, State Capitol, 500 East Capitol Street, Pierre, SD 57501–5070

Deonne Bruning, Nebraska Public Service Commission, 300 The Atrium, 1200 N Street, P.O. Box 94927, Lincoln, NE 68509–4927

James Casserly, Federal Communications Commission, Commissioner Ness's Office, 1919 M Street, NW., Room 832, Washington, DC 20554

Rowland Curry, Texas Public Utility Commission, 1701 North Congress Avenue, P.O. Box 13326, Austin, TX 78701

Bridget Duff, State Staff Chair, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399–0866

Kathleen Franco, Federal Communications Commission, Commissioner Chong's Office, 1919 M Street, NW., Room 844, Washington, DC 20554

Paul Gallant, Commissioner Quello's Office, Federal Communications Commission, 1919 M Street, NW., Room 802, Washington, DC 20554

Emily Hoffnar, Federal Staff Chair, Federal Communications Commission, Accounting and Audits Division, Universal Service Branch, 2100 M Street, NW., Room 8617, Washington, DC 20554

Lori Kenyon, Alaska Public Utilities Commission, 1016 West Sixth Avenue, Suite 400, Anchorage, AK 99501

Debra M. Kriete, Pennsylvania Public Utilities Commission, North Office Building, Room 110, Commonwealth and North Avenues, P.O. Box 3265, Harrisburg, PA 17105–3265

Sandra Makeeff, Iowa Utilities Board, Lucas State Office Building, Des Moines, IA 50319

Philip F. McClelland, Pennsylvania Office of Consumer Advocate, 1425 Strawberry Square, Harrisburg, PA 17120

Thor Nelson, Colorado Office of Consumer Counsel, 1580 Logan Street, Suite 610, Denver, CO 80203

Barry Payne, Indiana Office of the Consumer Counsel, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204–2208

Timothy Peterson, Deputy Division Chief, Federal Communications Commission, Accounting and Audits Division, 2100 M Street, NW., Room 8613, Washington, DC 20554

James Bradford Ramsay, National Association of Regulatory Utility Commissioners, 1100 Pennsylvania Ave., NW., P.O. Box 684, Washington, DC 20044–0684

Brian Roberts, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102

Kevin Schwenzfeier, NYS Dept of Public Service, 3 Empire State Plaza, Albany, NY 12223

Tiane Sommer, Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, GA 30334–5701

Sheryl Todd (plus 8 copies), Federal Communications Commission, Accounting and Audits Division, Universal Service Branch, 2100 M Street, NW., Room 8611, Washington, DC 20554

[FR Doc. 97–20958 Filed 8–6–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 572

[Docket No. 74–14; Notice 120]

RIN 2127–AG39

Anthropomorphic Test Dummy; Occupant Crash Protection

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

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document proposes modifications to the Hybrid III test dummy, which is specified by the agency for use in compliance testing under Standard No. 208, *Occupant crash protection*. The agency is proposing minor modifications to the test dummy's clothing and shoes and to the hole diameter in the femur flange in the pelvis bone flesh. The changes would facilitate compliance testing, while having practically no effect on Standard No. 208 test results.

DATES: Comments must be received by October 6, 1997.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Stanley Backaitis, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366–4912. Fax: (202) 366–4329.

For legal issues: Mr. Stephen P. Wood, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–366–2992).

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 208, *Occupant Crash Protection*, currently permits the use of either the Hybrid III test dummy or the older Hybrid II dummy in compliance testing. Effective September 1, 1997, however, the Standard will specify the use of only a single dummy, the Hybrid III dummy. The specifications for the Hybrid III dummy appear in subpart E of 49 CFR part 572.

The Hybrid III dummy is the most human-like test dummy currently available and represents a number of advances over the earlier dummy. Among other things, the Hybrid III dummy has more human-like seated posture, head, neck, chest, and lumbar spine designs that meet biofidelic impact response requirements. It also has the capability to monitor almost four times as many injury-indicating parameters as compared with the Hybrid II dummy. NHTSA decided to specify exclusive use of the Hybrid III dummy in a final rule published in the **Federal Register** (58 FR 59189) on November 8, 1993.

The Hybrid III dummy has seen widespread use in recent years. A number of manufacturers use that dummy for Standard No. 208 certification purposes and in their research and developmental testing. NHTSA also uses the Hybrid III dummy in its New Car Assessment Program (NCAP). This program involves testing new cars and trucks by crashing them into a fixed collision barrier at 35 mph, which is five mph faster and 36 percent more severe than the crash test specified in Standard No. 208.

II. NHTSA Proposal

A. General

NHTSA has decided to propose two modifications to the Hybrid III dummy. First, the agency is proposing to amend the specifications for the Hybrid III dummy's clothing and shoes. The purpose of this change is to make the requirements consistent with compliance testing practices. Second, the agency is proposing to specify a hole diameter in the pelvis bone flesh. The purpose of this change, which is consistent with a Society of Automotive Engineers (SAE) Task Force recommendation, is to facilitate femur flange (shank portion) insertion during its attachment to the pelvis bone.

NHTSA has tentatively concluded that the Hybrid III dummy specifications should be changed to incorporate these minor modifications. The agency believes that the proposed modifications would facilitate testing and would provide additional information from which a more realistic assessment of the effectiveness of occupant protection systems could be made, without effecting the dummy impact responses for either Standard No. 208 or NCAP testing.

B. Dummy Clothing and Shoes

Sections S8.1.9.1 and S8.1.9.2 of Standard No. 208 specify that the test dummies are clothed in formfitting cotton stretch garments with midcalf length pants. The use of mid-calf pants was a carry-over from the General Motors original specifications for the Hybrid III dummy, but it is unclear why use of midcalf length pants were specified in compliance tests. The drawing (78051–293) states:

STYLE—PANTY—BELOW THE KNEE
SIZE—LARGE
COLOR—TEAROSE

MAY BE PURCHASED FROM:
SEMCO SALES,
623 CASS,
DETROIT, MICHIGAN 48226
1428 PL PANTIES OR EQUIVALENT

First Technology Safety Systems contacted NHTSA in writing and the Motor Industry Research Association (MIRA of United Kingdom) orally about what it viewed as a conflict between the Hybrid III's specifications and the length of stretch pants actually used on the Hybrid III dummy in Standard No. 208 compliance testing. While paragraph S8.1.9.1 and S8.1.9.2 specify use of midcalf length pants, all compliance and most development laboratories use above-the-knee length pants.

MIRA notified the agency that the pants, undershirt, and shoes are not available anymore from the supply sources referenced in the drawings of those items and users are having difficulty finding such articles in the market. MIRA requested that NHTSA clarify where such articles may be procured and what specifications should be used to ensure that the correct items are procured.

Other dummy users indicated similar procurement difficulties and a preference to procure shoes and garments for the dummy in the open commercial market and not from one specific source. They stated that neither the specified articles nor the supply sources are available anymore and they would prefer to procure them under general product description guidelines.

The agency agrees with these observations and finds that many commercially available articles would serve the intended purposes. Accordingly, NHTSA has decided to propose amending Standard No. 208 to allow the users to equip the Hybrid III dummies with commercially available shoes and cotton stretch light weight above-the-knee length panties and undershirt that fit the general description guidelines rather than having to procure them from a designated supplier. The agency notes that such a change would reflect what has become common procurement and use practice among manufacturers and NHTSA contractors performing compliance tests.

In compliance tests, the panties are either cut off above the dummy knees or rolled up above the knees for two reasons. First, S11.5 of Standard No. 208 requires the legs to be positioned with a specified distance between the ''outboard knee clevis flange surfaces.'' To measure this distance, the panties must be rolled up above the knees for dummy positioning. Second, the dummy knees are often marked with chalk to determine where knee contact with the vehicle interior occurs during the test. It does not work well by chalking the dummy panties, as the panties often ride up the dummy's legs during the crash event. While this information is not required by Standard No. 208, it is helpful.

NHTSA would remove drawings related to shoes and garments from the Hybrid III drawing set (78051–292, –293, –294, and –295) and incorporate appropriately worded modifications in § 571.208 S8.1.9.1 and S8.1.9.2 in which the shoes and garments to be used on the Hybrid III dummy are described, if today's proposal is adopted. NHTSA believes that this change would not affect the stringency of Standard No.

208's requirements or result in any difference in costs to manufacturers.

C. Access Hole Diameter in the Pelvis Flesh

In response to a June 30, 1995 notice of proposed rulemaking (NPRM) (60 FR 34213, Docket 74–14, Notice 96), the American Automobile Manufacturers Association (AAMA) stated that the access holes in the pelvis flesh should be enlarged to facilitate the insertion of the femur flange (shank portion) for their attachment to the pelvis bone. That organization stated that the holes' diameter has not been specified even though the holes are shown on the drawing. AAMA claimed that the pelvis flesh may be damaged when the femur flange is inserted through the existing two inch diameter holes (as scaled from the drawing). It recommended that the holes' diameter should be enlarged to 2 5/16 inches, a change it believed would accommodate insertion of the femur flange without tearing the flesh material. In support of its request, AAMA stated that the SAE Hybrid III Family and SAE Hip Calibration Task Forces have recognized the need to address this issue. AAMA stated that such a change would not significantly affect dummy kinematics or instrumentation readings.

NHTSA has decided to propose specifying the diameter of the hole in the pelvis flesh as 2 5/16 inches. The agency believes that the larger size would facilitate testing by making insertion of the femur shaft less cumbersome. The larger hole would permit easier slip-through of the section of the femur shaft containing the rubber bumper. The larger hole therefore may prevent an occasional hang up of the urethane bumper's edge against the inner edge of the hole in the pelvis flesh. As a result, the flesh with the enlarged hole would be less susceptible to damage during the femur flange insertion process. The agency anticipates that the loads on the femur shaft, because of a looser fit within as it compresses the pelvis flesh, would be no different whether the hole is 2 inches in diameter or 2 5/16 inches in diameter. The agency requests comment about the effect of specifying a larger hole diameter.

D. Optional Use of Lumbar Spine Load Cell

In response to the June 30, 1995 NPRM, GM submitted a petition requesting that the Hybrid III specifications in Part 572 Subpart E be amended to include, as an option, use of an available lower lumbar spine load cell assembly in place of the standard Hybrid III lumbar adapter. GM stated that the optional transducer would allow additional, useful information to be obtained during Standard No. 208 testing.

NHTSA believes that it is unnecessary to amend Part 572 to allow manufacturers to use the lumbar spine load cell assembly. As explained below, a manufacturer may use the lumbar spine load cell assembly, at its discretion.

NHTSA notes that a ''compliance test'' is a test conducted by or for the agency to determine if a vehicle meets the performance requirements of a Federal motor vehicle safety standard. In contrast, a ''certification test'' is a test conducted by or for a manufacturer to assure itself that the vehicle will meet the performance requirements of the particular standard. A compliance test is conducted in accordance with the standard to facilitate a possible enforcement action. On the other hand, a manufacturer has discretion about how it conducts a certification test. It may, at its discretion, use a load cell. Accordingly, a manufacturer does not need the agency to approve use of the optional test cell since the manufacturer alone decides how to conduct its certification tests.

III. Effective Dates

NHTSA is proposing to make the amendments effective 45 days after publication of a final rule. The agency is proposing such an early effective date because the modifications resulting from this proposal would only affect the drawings related to the dummy and would not affect compliance testing or certification.

IV. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be ''non-significant'' under the Department of Transportation's regulatory policies and procedures. The proposed amendments would not require any vehicle design changes but would instead only require minor modifications in the test dummies used to evaluate a vehicle's compliance with Standard No. 208. The agency believes that the proposed clothing and pelvis modifications would not affect the cost of new dummies. Therefore, the impacts of the proposed amendments would be so minimal that a full regulatory evaluation is not required.

B. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) I hereby certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. § 605(b)).

The proposed rule would affect passenger car and light truck manufacturers, few of which are small entities. As described above, there would be no significant economic impact on those vehicle manufacturers that are small entities.

The Small Business Administration's regulations at 13 CFR Part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR § 121.105(a)).

SBA's size standards are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3711 ''Motor Vehicles and Passenger Car Bodies'' has a small business size standard of 1,000 employees or fewer.

For passenger car and light truck manufacturers, NHTSA estimates there are at most five small manufacturers of passenger cars in the U.S. Because each manufacturer serves a niche market, often specializing in replicas of ''classic'' cars, production for each manufacturer is fewer than 100 cars per year. Thus, there are at most five hundred cars manufactured per year by U.S. small businesses.

In contrast, in 1996, there are approximately nine large manufacturers manufacturing passenger cars and light trucks in the U.S. Total U.S. manufacturing production per year is approximately 15 to 15 and a half million passenger cars and light trucks per year. NHTSA does not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production per year.

NHTSA also notes that the cost of new passenger cars or light trucks would not be affected by the proposed rule.

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), there are no requirements for information collection associated with this proposed rule.

D. National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

E. Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

F. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All 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.

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

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

List of Subjects in 49 CFR Part 572

Motor vehicle safety, Incorporation by reference.

In consideration of the foregoing, it is proposed that 49 CFR Parts 571 and 572 be amended as follows:

PART 571—[AMENDED]

1. The authority citation for Part 571 of Title 49 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.208 would be amended by revising S8.1.8.2, as published at 58 FR 59191, November 8, 1993, with an effective date of September 1, 1997, to read as follows:

§ 571.208 Standard No. 208, Occupant crash protection.

* * * * *

S8.1.8.2 Each test dummy is clothed in a formfitting cotton stretch short sleeve shirt with above-the-elbow sleeves and above-the-knee length pants. The weight of the shirt or pants shall not exceed 0.25 pounds each. Each foot of the test dummy is equipped with a size 11XW shoe which meets the configuration size, sole, and heel thickness specifications of MIL–S 13192 change ''P'' and whose weight is 1.25 ± 0.2 pounds.

* * * * *

PART 572—[AMENDED]

3. The authority citation for Part 572 of Title 49 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Subpart E—Hybrid III Test Dummy

4. Section 572.31 would be amended by revising paragraphs (a)(1), (a)(3), (a)(4), and the table in paragraph (b), to read as follows:

§ 572.31 General description.

(a) * * *

(1) The Anthropomorphic Test Dummy Parts List, dated [a new date would be inserted], and containing 16 pages, and a Parts List Index, dated [a new date would be inserted], containing 8 pages.

* * * * *

(3) A General Motors Drawing Package identified by GM Drawing No. 78051–218, revision [a new revision letter would be inserted], and subordinate drawings.

(4) Disassembly, Inspection, Assembly and Limbs Adjustment Procedures for the Hybrid III dummy, dated [a new date would be inserted].

* * * * *

(b) * * *

[new revision letters would be inserted in the table for the drawings for leg assemblies]

* * * * *

4. Section 572.34 would be amended by revising paragraph (b) to read as follows:

§ 572.34 Thorax.

* * * * *

(b) When impacted by a test probe conforming to 572.36(a) at 22 fps +/−0.40 fps in accordance with paragraph (c) of this section, the thorax of a complete dummy assembly (78051–218, revision (a new revision letter would be inserted)), without shoes, shall resist with a force of 1242.5 pounds +/−82.5 pounds measured by the test probe and shall have a sternum displacement measured relative to spine of 2.68 inches +/−0.18 inches. The internal hysteresis in each impact shall be more than 69% but less than 85%. The force measured is the product of pendulum mass and deceleration.

* * * * *

Issued on August 1, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–20726 Filed 8–6–97; 8:45 am]

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