expert evidence shall include its expert statement in its pre-status conference filing. (See § 1.729(i)(4)(ii).)

[FR Doc. 98–20745 Filed 8–3–98; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1511, 1515, and 1552

[FRL–6135–5]

Acquisition Regulation: Administrative Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is adopting as final an interim rule that amended the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) to include a requirement that any report prepared under an Agency contract identify the contract under which it was prepared and the name of the contractor who prepared the report, and to make an administrative change in the approval levels for Source Selection.

DATES: This final rule is effective on August 4, 1998.

FOR FURTHER INFORMATION CONTACT: Louise Senzel, U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564–4367.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule includes a requirement that any report prepared under an Agency contract identify the contract under which it was prepared and the name of the contractor who prepared the report as required by section 411 of Public Law 105–65, October 27, 1997, and makes an administrative change in the approval levels for Source Selection.

Section 411 of P.L. 105–65 (EPA's appropriation act) states ''except as otherwise provided by the law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et. seq), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report to such contract.'' Because immediate compliance was essential for EPA contracting activities, urgent and compelling circumstances existed that made it impracticable for EPA to promulgate this rule using notice and comment procedures. Therefore, pursuant to 41 U.S.C. § 418b(d), EPA promulgated these revisions on an interim basis and provided for a public comment period of 60 days from the date on which this rule was published, March 4, 1998.

Only one public comment was received. The comment suggested many more detailed requirements for submission of reports in paper and other electronic or information technology media, distribution requirements, and publication requirements. After considering the comment received, no change was made because we believe that the level of specificity of these requirements should be considered on a case-by-case basis for a particular contract action and not specified as a standard requirement for all contracts.

B. Executive Order 12866

The final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review was required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

D. Regulatory Flexibility Act

The EPA certifies that this final rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the rule impose no reporting, record keeping, or any compliance costs.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule was not subject to the requirements of sections 202 and 205 of the UMRA.

F. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks.

List of Subjects in 48 CFR Parts 1511, 1515, and 1552

Government procurement.

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Accordingly, the interim rule amending 48 CFR Chapter 15 which was published at 63 FR 10548–10549 on March 4, 1998, is adopted as a final rule without change.

Dated: July 20, 1998.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 98–20770 Filed 8–3–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571

[Docket No. NHTSA–98–3847]

RIN 2127–AG07

Federal Motor Vehicle Safety Standards; Head Impact Protection

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

ACTION: Final rule.

SUMMARY: This final rule amends the upper interior impact requirements of Standard 201, Occupant Protection in Interior Impact, to permit, but not require, the installation of dynamically deploying upper interior head protection systems currently being developed by some vehicle manufacturers to provide added head protection in lateral crashes. Compliance with those requirements is tested at specified points called ''target points.'' Since compliance is often not practicable at target points located near the places where these dynamic systems are stored before they are deployed, vehicles equipped with the dynamic systems will be allowed to meet slightly reduced requirements at those points. However, these vehicles will also be required to meet new requirements to ensure that these dynamic systems enhance safety. This final rule adds procedures and performance requirements for testing the deployment of these systems and their protective capability through a combination of in-vehicle tests and a full scale vehicle crash test. In a separate final rule being published today, the agency is establishing specifications and qualification requirements for a newly-developed anthropomorphic test dummy to be used in determining compliance with the dynamic crash test requirements.

DATES: *Effective Date:* The amendments made in this rule are effective September 1, 1998.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than September 18, 1998.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For non-legal issues: Dr. William Fan, Office of Crashworthiness Standards, NPS–11, telephone (202) 366–4922, facsimile (202) 366–4329, electronic mail ''bfan@nhtsa.dot.gov''

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC–20, telephone (202) 366–5253, facsimile (202) 366–3820, electronic mail ''omatheke@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
A. August 1995 Final Rule on Upper Interior Impact Protection
B. Petitions for Reconsideration
C. March 1996 ANPRM on Dynamically Deployed Upper Interior Head Protection Systems
D. August 1997 NPRM on Dynamically Deployed Upper Interior Head Protection Systems
E. Comments Submitted in Response to the NPRM
II. Final Rule
A. Deletion of the Proposed In-vehicle Test
B. Vehicle-to-Pole Test
C. Rigid Pole
D. SID/HIII Dummy
E. Rear Seat Dummy
F. Impact Speed and Conditions
G. Target Locations
H. Safety Concerns
I. Other Issues
J. Dummy Seating Position
K. Selection of Options
L. Effective Date
III. Rulemaking Analyses and Notices
A. Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures
B. Regulatory Flexibility Act
C. National Environmental Policy Act
D. Executive Order 12612 (Federalism) and Unfunded Mandates Act
E. Civil Justice Reform
Regulatory Text

I. Background

A. August 1995 Final Rule on Upper Interior Impact Protection

The August 1995 final rule issued by the National Highway Traffic Safety Administration (NHTSA) amended Standard 201 to require passenger cars, and trucks, buses, and multipurpose passenger vehicles (collectively, passenger cars and LTVs) with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less, to provide protection when an occupant's head strikes upper interior components, including pillars, side rails, headers, and the roof, during a crash. This final rule, which requires compliance pursuant to a phase-in schedule beginning on September 1, 1998, significantly expands the scope of Standard 201. Previously, the standard applied mainly to the portion of the vehicle interior in front of the front seat occupants, i.e., the instrument panel. The amendments added procedures and performance requirements for a new in-vehicle component test.

B. Petitions for Reconsideration

The agency received nine timely petitions for reconsideration of the final rule. The issues raised by the petitions can be divided into five categories: (1) Application of the new requirements to dynamically deployed upper interior head protection systems, (2) influence of systems variables, (3) lead time and phase-in, (4) exclusion of certain vehicles, and (5) test procedure.

With respect to the last four categories of issues raised by the petitions, NHTSA responded by issuing amendments to the August 18, 1995 final rule in a notice dated April 8, 1997 (62 FR 16718). In the April 8, 1997 notice, NHTSA modified the final rule to exclude certain vehicles from the upper interior impact requirements of Standard 201, allowed carry-forward credits, changed the phase-in requirements by providing manufacturers with the option of complying with an additional alternative schedule for meeting the upper interior impact requirements of the standard and amended other sections of the standard to address concerns about test procedures.

Since the first category of issues, those relating to dynamically deployed upper interior head protection systems, was outside the scope of the rulemaking that led to the August 18, 1995 rule, the agency announced that it was treating the requests relating to these issues as petitions for rulemaking, and was granting those petitions.

C. March 1996 ANPRM on Dynamically Deployed Upper Interior Head Protection Systems

On March 7, 1996, NHTSA published an advance notice of proposed rulemaking (ANPRM) to assist the