

**47 CFR Part 73**

[MM Docket No. 96-106; RM-8797]

**Radio Broadcasting Services; Hopkinsville, KY****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Rockin' C Broadcasting proposing the allotment of Channel 248A at Hopkinsville, Kentucky, as the community's third local commercial FM transmission service. Channel 248A can be allotted to Hopkinsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 10 kilometers (6.3 miles) south to avoid a short-spacing to the licensed site of Station WHRZ(FM), Channel 249A, Providence, Kentucky. The coordinates for Channel 248A at Hopkinsville are North Latitude 36-46-18 and West Longitude 87-28-28.

**DATES:** Comments must be filed on or before July 1, 1996 and reply comments on or before July 16, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Carol B. Ingram, President, Rockin' C Broadcasting, 212 Turtle Creek Drive, Batesville, Mississippi 38606 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-106, adopted April 29, 1996, and released May 8, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

*Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-12044 Filed 5-13-96; 8:45 am]

BILLING CODE 6712-01-F

**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Chapter 1****Federal Acquisition Regulation; Elimination of Nonstatutory Certifications**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of public meeting.

**SUMMARY:** The Administrator for Federal Procurement Policy, in concert with the Federal Acquisition Regulations (fAR) Council, is sponsoring a meeting to solicit public comments on the implementation of Section 4301(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) (the Act). The Act requires the Administrator for Federal Procurement Policy to issue for public comment a proposal to amend the FAR to remove certification requirements for contractors and offerors that are not specifically imposed by statute. The Act provides the Administrator with authority to retain, under certain circumstances, certification requirements that are not specifically imposed by statute. In an effort to get public input in the rulemaking process prior to publishing a proposed rule, the FAR Council is inviting interested parties to participate in a public meeting on implementation of the Act.

**DATES: Public Meeting:** A public meeting will be conducted at the address shown below from 1 p.m. to 5:30 p.m., eastern daylight time, on June 3, 1996.

**ADDRESSES: Public Meeting:** The location of the public meeting is the

White House Conference Center, 726 Jackson Place, NW, Washington, DC 20503. An interactive meeting, consisting of open discussion among the FAR Council members, other government representatives (from the procurement, legal, and Inspector General communities), and industry is planned. Individuals who would like to participate or submit a formal statement shall, by May 28, 1996, notify: Defense Acquisition Regulations Council, Attn: Mr. Michael Mutty, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 2031-3062. If time permits, formal statements will be heard.

**FOR FURTHER INFORMATION CONTACT:** Michael Mutty, telephone (703) 602-0131. FAX (703) 602-0350.

Dated: May 8, 1996.

Edward Loeb,

*Director, Federal Acquisition Policy Division.*

[FR Doc. 96-11957 Filed 5-13-96; 8:45 am]

BILLING CODE 6820-EP-M

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 88-06, Notice 25]

RIN 2127-AE49

**Federal Motor Vehicle Safety Standards; Side Impact Protection—Light Trucks, Buses and Multipurpose Passenger Vehicles**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Denial of petition for reconsideration.

**SUMMARY:** This document denies a petition from Toyota Motor Corporate Services of North America ("Toyota") for reconsideration of the agency's final rule that extended Safety Standard 214's dynamic side impact testing requirements to light trucks, multipurpose passenger vehicles and buses with a gross vehicle weight rating (GVWR) of 6,000 (lb) or less. Toyota requested that instead of using GVWR as the attribute for identifying vehicles to be excluded from the new requirements, NHTSA should exclude vehicles based on the height of their seating reference point. The agency is denying the petition because NHTSA believes Toyota's approach would exclude some vehicles that are and should remain subject to the dynamic side impact requirements.

**FOR FURTHER INFORMATION CONTACT:** For nonlegal issues: Dr. William Fan, Office of Vehicle Safety Standards, NPS-14, telephone (202) 366-4922. For legal issues: Deirdre Fujita, Office of Chief Counsel, NCC-20, (202) 366-2992. Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 28, 1995, NHTSA amended Federal Motor Vehicle Safety Standard No. 214, "Side Impact Protection" (49 CFR § 571.214), to extend the standard's dynamic testing requirements to light trucks, multipurpose passenger vehicles (hereinafter referred to as "MPVs"), and buses with a GVWR of 6,000 lb or less. (This group of vehicles is hereinafter referred to as "LTVs"). The rule resulted from a rulemaking on LTV side impact safety that the agency was required to commence pursuant to the NHTSA Authorization Act of 1991 (sections 2500-2509 of the Intermodal Surface Transportation Efficiency Act ("ISTEA")).

Under the rule, an LTV must provide protection to an occupant's thoracic and pelvic regions, as measured by the accelerations registered on an instrumented side impact dummy (SID), in a full-scale crash test. In the test, the LTV (known as the "target" LTV) is struck in the side by a moving deformable barrier (MDB) simulating a passenger car. The SID is instrumented to measure accelerations in the ribs and spine and in the pelvic cavity. The values measured in the ribs and spine are used in determining the "Thoracic Trauma Index (TTI(d))," an injury criterion that measures the risk of thoracic injury of an occupant in a side impact. The value measured in the pelvic cavity assesses the potential risk for pelvic injury. To meet Standard 214's side impact protection requirements, the TTI(d) and pelvis measurements must not exceed specified maximum values. For the thorax, TTI(d) must not exceed 85 g, and for the pelvis, peak lateral acceleration must not exceed 130 g's.

The rule extended to LTVs virtually all of the dynamic side impact provisions of Standard 214 that currently apply to passenger cars. LTVs will be dynamically tested with the same MDB used to test passenger cars to the side impact requirements of Standard 214, under the same test conditions and procedures. (One minor variation relates to the procedure for specifying where on the target LTV the

MDB must first contact in the dynamic test. See 60 FR at 38758-38759.) The instrumented SIDs used in the passenger car test will be used to test LTVs, and used in the same manner, placed in the front and rear seats on the side of the vehicle struck by the MDB. Performance criteria for the TTI(d) and pelvic acceleration measured by the SID are the same as those specified for passenger cars, with one exception. Two-door LTVs have an 85 g limit for the TTI(d), while two-door passenger cars have a 90 g limit.

NHTSA determined that the passenger car provisions are appropriate for LTVs because both passenger cars and LTVs are driven in the same environment and thus have the same exposure to striking vehicles. However, NHTSA acknowledged that the extension of the passenger car requirements resulted in few estimated benefits since all current LTVs already meet the requirements. Nevertheless, the agency decided that the extension was warranted given that increasing numbers of LTVs are used as passenger vehicles and that the percentage of LTVs is likely to increase significantly in the future. Further, information indicates that small LTVs, which are potentially vulnerable in side crashes, will comprise much of the LTV fleet by the year 2000. The extension will prevent any future LTV from providing side impact safety performance that is inferior to that of passenger cars.

The decision to specify the barrier currently specified for passenger cars led the agency in turn to limit the extension of the rule to LTVs, thus excluding multipurpose passenger vehicles, trucks and buses with a GVWR over 6,000 lb. This limit was adopted because the barrier simulates side crashes in which occupants of the vehicles with higher GVWRs would be relatively unlikely to suffer death or serious injury. NHTSA also believed inclusion of vehicles with GVWRs over 6,000 lb would not result in any safety improvements since those vehicles would likely meet the adopted dynamic requirements without any modification. In the interest of avoiding unnecessarily requiring that those vehicles be certified to the dynamic side impact protection requirements, NHTSA did not extend the rule to larger vehicles. (60 FR at 38756.)

**Petition for Reconsideration**

Using a similar rationale of avoiding unnecessary regulatory and compliance test burdens and costs, Toyota petitioned to exclude LTVs "whose seating reference points (SgRP) are 700 mm or greater." (The agency assumes

this refers to the SgRP for the driver's position, although the petitioner did not specify the position.) Toyota believed that those vehicles will meet the new requirements without any problem because, according to the petitioner, the MDB will not impact the dummies' rib cage, where accelerometers are positioned. Toyota stated that "NHTSA's own data indicates that the highest seating reference point of those vehicles (which did not meet the passenger car standard) was 655 mm." The petitioner said that it conducted tests of five of its current models. According to Toyota, all five passed the injury criteria. The only model that had a "marginal" TTI(d), as compared to the prescribed limit, was the vehicle that had an H-point height of less than 700 mm.

**Agency Decision**

The agency is denying Toyota's petition because NHTSA believes Toyota's approach would exclude some vehicles that are and should remain subject to the dynamic side impact requirements. The agency believes Toyota might not be correct in suggesting that all vehicles with a SgRP height of 700 mm or greater would readily pass the standard.<sup>1</sup>

It should be noted that during the development of the final rule extending Standard 214's dynamic requirements to LTVs, NHTSA considered excluding vehicles with an H-point height of 685 mm, which is approximately the height suggested by Toyota. After analyzing available data, the agency decided against this approach. Adjusted test data from a multiple linear regression model (developed during the 214 rulemaking to study the effects of barrier weight and height on SID responses) indicated that some LTVs whose H-point heights are greater than 700 mm might not be able to pass the new dynamic side impact requirements. (See pages IV-2, 3 and 4 of the agency's Preliminary Economic Assessment, June 1994, for the rulemaking proposal for the July 1995 rule. Docket 88-06-N23-001.) NHTSA tested seven LTVs that had an H-point height of 27 inches (686 mm) or greater, impacting them with barriers that were heavier and higher than the adopted one. Applying the regression model to

<sup>1</sup> NHTSA notes that while Toyota used SgRP in its petition, the agency used the H-point in assessing the merits of Toyota's request. "SgRP" is defined in 49 CFR § 571.3 as "the unique design H-point as defined in [the Society of Automotive Engineers] SAE J1100 (June 1984)," and which also conforms to other factors. "H-point" is defined in 571.3 as the hinged hip point described in SAE Recommended Practice J826. For the purposes of this action, these two terms are essentially the same.

these cases enabled NHTSA to estimate the TTI(d) and pelvic acceleration values that would have been obtained for the vehicles had they been tested with the barrier adopted by the final rule. The analysis indicates that, contrary to Toyota's assertion about widespread compliance of vehicles with SgRP are 700 mm or greater, three of the seven vehicles ('93 Plymouth Voyager, '89 Ford Ranger XLT, '89 Suzuki Sidekick) may require modifications to ensure compliance with the TTI(d) and pelvic g limits.

NHTSA also does not agree with Toyota's assertion that vehicles whose SgRP point is higher than 700 mm would necessarily pass Standard 214 due to the position of the SID's lower rib relative to the MDB in the crash test. The lower rib acceleration is not the only response used to determine the compliance of the vehicle. Accelerations of the upper spine, upper rib and pelvis also play an important role in determining compliance. Toyota did not address the effect that SgRP height might have on responses of those components. Further, the relative height between the MDB and the SgRP of the target vehicle is one of many factors that affect the vehicle performance during a side impact crash test. The vehicle weight, clearance between the side interior and the SID, side structure and/or padding properties are all important factors that could affect whether small LTVs, in particular, pass the performance criteria. Toyota did not address those factors either.

For the reasons discussed above, NHTSA denies Toyota's petition for reconsideration.

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

Issued on: May 8, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-12034 Filed 5-13-96; 8:45 am]

BILLING CODE 4910-59-P

## 49 CFR Part 571

[Docket No. 96-46; Notice 01]

RIN 2127-AF91

### Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In response to a petition from Volvo, this notice proposes to require

manufacturers to certify the anchorages of a voluntarily installed Type 2 safety belt (lap/shoulder belt) to the anchorage requirements for a mandatorily installed Type 2 safety belt. Currently, if only a Type 1 safety belt (lap belt) is required for a particular seating position, a manufacturer must certify the anchorage(s) for the belt(s) it installs at that position to the anchorage requirements for a Type 1 belt, even if the manufacturer installs a Type 2 safety belt at that location.

**DATES:** Comments must be received by July 15, 1996.

**ADDRESSES:** Comments should refer to the docket and notice number.

**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:* Clarke B. Harper, Office of Crashworthiness Standards, NPS-11, telephone (202) 366-2264, facsimile (202) 366-4329, electronic mail "charper@nhtsa.dot.gov".

*For legal issues:* Mary Versailles, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "mversailles@nhtsa.dot.gov".

#### SUPPLEMENTARY INFORMATION:

##### Background

Federal Motor Vehicle Safety Standard No. 210, "Seat Belt Anchorages," requires the anchorages for mandatorily installed Type 2 safety belts to withstand the simultaneous application of a 3,000-pound load applied to the lap belt anchorages and a separate 3,000-pound load to the shoulder belt anchorages. When only a Type 1 safety belt is required, Standard No. 210 requires the anchorages for the lap belt to withstand a 5,000-pound load. If a manufacturer voluntarily installs a Type 2 safety belt at a seating position for which only a Type 1 safety belt is required, the lap belt portion is required to withstand a 5,000-pound load, but the shoulder belt portion is subject to no requirement.

Currently, manufacturers need only install a Type 1 safety belt at the following seating positions:

- The passenger seats in school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less;
- All seats in vehicles, except passenger seats in buses, including school buses, with a GVWR of more than 10,000 pounds; and,
- All seats, except forward-facing outboard seats, in all other vehicles.

#### Volvo's Petition

On May 18, 1995, Volvo Cars of North America, Inc. (Volvo) petitioned NHTSA to amend Standard No. 210. Volvo stated that it subjects the anchorages of its voluntarily installed Type 2 safety belts to two different tests. Pursuant to Standard No. 210, it tests the anchorages of the lap belt portion of those belts for compliance with the anchorage requirements for a Type 1 safety belt. In addition, for quality control purposes, it tests the anchorages of its voluntarily installed Type 2 safety belts for compliance with the requirements for the anchorages of mandatorily installed Type 2 safety belts. To reduce the amount of testing, Volvo requests that the Standard be amended to give manufacturers a choice of certifying the anchorages of a voluntarily installed Type 2 safety belt either to the requirements for a Type 1 safety belt anchorage or to the requirements for a Type 2 safety belt anchorage. The adoption of its request would allow Volvo to cease the separate testing of the lap belt portion of its voluntarily installed Type 2 safety belts.

#### Agency Proposal

While Volvo asked NHTSA to allow manufacturers an option, NHTSA is proposing to require manufacturers that voluntarily install an integral Type 2 safety belt to certify the anchorages of that belt to the requirements for Type 2 safety belt anchorages.

First, there does not appear to be a reason for testing non-dynamically tested integral Type 2 safety belt anchorages differently based on whether the installation is mandatory or voluntary.

Second, the load applied by an occupant to the lap belt portion of a Type 2 safety belt would be lower than the load applied by the same occupant to a Type 1 safety belt, since part of the occupant's load would be borne by the shoulder belt. Thus, if the load requirements for the lap belt anchorages of a mandatory Type 2 safety belt are appropriate to meet the need for motor vehicle safety, it appears that the current requirements for the lap belt anchorages of a voluntarily installed Type 2 safety belt are excessive.

Finally, in the past, NHTSA has experienced difficulties in enforcing standards that give manufacturers the option of complying with any one of a set of alternative requirements. Generally, NHTSA will ask a manufacturer to specify which of the alternatives the agency should apply in a compliance test. In some instances when agency testing indicates that a