

DEPARTMENT OF DEFENSE**48 CFR Parts 249 and 252****[DFARS Case 96-D321]****Defense Federal Acquisition Regulation Supplement; Downsizing Notice****AGENCY:** Department of Defense (DoD).**ACTION:** Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 825 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201). Section 825 repeals the requirements for the Secretary of Defense to notify the Secretary of Labor if a modification or termination for convenience of a major defense contract or subcontract will have a substantial impact on employment.

EFFECTIVE DATE: December 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Richard G. Layser, PDUSD (AT&T) DP (DAR), Defense Acquisition Regulations Council, IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 96-D321 in all correspondence related to this issue.

SUPPLEMENTARY INFORMATION:**A. Background**

Section 825 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) repeals Sections 4101 and 4201 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2391 note). This final rule removes the DFARS language that implemented Sections 4101 and 4201.

C. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96-D321 in correspondence.

D. Paperwork Reduction Act

This final rule removes the information collection requirement previously approved by the Office of Management and Budget (OMB) under OMB Control Number 0704-0327.

List of Subjects in 48 CFR Parts 249 and 252

Government procurement.
Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 249 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 249 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 249—TERMINATION OF CONTRACTS**249.102 [Removed]**

2. Section 249.102 is removed.

249.7002 [Removed and Reserved]

3. Section 249.7002 is removed and reserved.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**252.249-7001 [Removed and Reserved]**

4. Section 252.249-7001 is removed and reserved.

[FR Doc. 96-32667 Filed 12-24-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 1****[OST Docket No. 1; Amdt. 1-281]****Organization and Delegation of Powers and Duties; Delegation to the Commandant; United States Coast Guard****AGENCY:** Office of the Secretary, DOT.**ACTION:** Final rule.

SUMMARY: The Secretary of Transportation is delegating to the Commandant, United States Coast Guard, the authority contained in 46 U.S.C. Chapter 33, pertaining to the delegation of authority to classification societies to review and approve commercial vessel plans and conduct commercial vessel inspections and examinations. In order that the Code of Federal Regulations reflect this delegation, a change is necessary.

EFFECTIVE DATE: December 26, 1996.

FOR FURTHER INFORMATION CONTACT: LCDR George P. Cummings, Marine Safety and Environmental Protection (G-MSE-1), (202) 267-2997, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593; or Ms. Gwyneth

Radloff, Office of the General Council, C-50, (202) 366-9305, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Public Law 104-324 is the Coast Guard Authorization Act of 1996, (hereafter referred to as the Act). Section 3316 of title 46, U.S. Code, was amended by the Act to allow the Secretary to delegate to the American Bureau of Shipping or another classification society the authority to approve vessel plans, conduct vessel inspections, and issue a certificate of inspection and other related documents. The Secretary of Transportation is delegating his authority under the Act to the Commandant of the Coast Guard.

This rule adds a specific delegation of authority to 49 CFR 1.46, thus amending the codification to reflect the Secretarial delegation of authority to the Commandant of the Coast Guard.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Coast Guard's ability to meet the needs of the U.S. maritime industry, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the Federal Register.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.46 is amended by adding a new paragraph (ddd) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(ddd) Carry out the functions and exercise the authority vested in the Secretary by 46 U.S. Code Chapter 33 pertaining to the delegation of authority to classification societies to review and approve commercial vessel plans and conduct commercial vessel inspections and examinations, as enacted by the Coast Guard Authorization Act of 1996, title 46, section 3316 (classification

societies), Pub. L. 104-324, 110 Stat. 3901.

Issued at Washington, DC, this 18th day of December, 1996.

Federico Peña,

Secretary of Transportation.

[FR Doc. 96-32723 Filed 12-24-96; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. 74-14; Notice 104]

RIN 2127-AF41

Anthropomorphic Test Dummy; Occupant Crash Protection

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

ACTION: Final rule.

SUMMARY: This rule amends the specifications for the Hybrid III test dummy. The dummy is specified by the agency for use in compliance testing under Standard No. 208, *Occupant Crash Protection*. The amendments make minor modifications of the femurs and ankles to improve biofidelity. While there may be some minimal effect on HIC, chest, and femur test data, the improvement in data quality and reliability will more than offset these differences and make the dummy more useful in tests at more severe impact conditions of some research and vehicle development programs. This rule does not include any amendments based on a proposal to adopt a neck shield for the Hybrid III test dummy.

DATES: *Effective Date:* The amendments made in this rule are effective June 25, 1997.

Incorporation by Reference Date: The incorporation by reference of the material listed in this document is approved by the Director of the Federal Register as of June 25, 1997.

Petition Date: Any petitions for reconsideration must be received by NHTSA no later than February 10, 1997.

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: Mr. Stanley Backaitis, Office of Crashworthiness

Standards, NPS-10, telephone (202) 366-4912, facsimile (202) 366-4329, electronic mail "sbackaitis@nhtsa.dot.gov".

For legal issues: Mr. Steve Wood, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "swood@nhtsa.dot.gov".

SUPPLEMENTARY INFORMATION: 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 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 has been widely used in recent years. In addition to increasingly using the dummy for Standard No. 208 certification purposes, many manufacturers use this advanced dummy in their research and developmental testing. In addition, NHTSA uses the Hybrid III dummy in its New Car Assessment Program (NCAP).

In petitions for rulemaking, vehicle manufacturers identified three areas in which they believe the dummy should be improved. These areas are (1) increased ankle dorsiflexion motion, (2) use of a soft foam neck shield, and (3) increased femur flexion ranges. The first two of these areas were identified by Ford in a petition submitted in March 1991. The third was identified in petitions submitted by Toyota, Honda, and Nissan between September 1993 and April 1994.

NHTSA granted each of the petitions for rulemaking and conducted extensive analysis, including a test program, of the issues raised in the petitions. Among other actions, the agency consulted with the Society of Automotive Engineers (SAE) Human Biomechanics and Simulations Committee.

Subsequently, on June 30, 1995, the agency published a Notice of Proposed Rulemaking (NPRM) proposing minor modifications of the femurs and ankles of the Hybrid III dummy (60 FR 34213). The NPRM also proposed to specify the use of a neck shield. The NPRM stated that the proposed changes would have no effect on Standard No. 208 test results, but would make the Hybrid III test dummy more useful for use in research and vehicle development programs which involve more severe impact conditions.

The agency received 17 responses to the NPRM. In general, commenters supported the proposed amendments to

the femurs and ankles, but not the use of a neck shield. All comments were considered and the most significant ones are addressed below.

Femur/Hip Modifications

In the NPRM, the agency proposed modifications to the femurs at the hip joint to assure the same motion range between the right and left femurs and to prevent metal to metal contact or hard contact impacts from occurring with the pelvis bone at maximum femur flexion. In addition, the agency proposed the addition of a calibration test for hip joint-femur flexion. None of the commenters disagreed with these proposals. However, some commenters raised some issues related to them.

Advocates for Highway and Auto Safety (Advocates) supported the goal of the proposed changes, but questioned whether there would be trade-offs among the various injury measures that affected safety. Since the NPRM was published, the agency has conducted additional testing to evaluate the effects of hip joint changes on the dummy response. This evaluation showed a slight decrease (up to 10%) in passenger chest G's, and a slight increase (up to 5%) in driver chest G's. Head Injury Criteria (HIC) showed an increase of more than 10% in some tests; however, this is not of great concern because it occurred only when there was a low baseline HIC (15% to 60% of the maximum limit). Despite these minor differences, the agency believes the effects of the modifications are positive overall because they will produce more consistent and less spike-contaminated impact responses. These improvements will result from the elimination of non-uniform ranges of motions between the left and right legs, and from the prevention of metallic impacts between the femur shafts and the pelvis.

Two commenters, Ford and Chrysler, supported the proposal but also stated that load transmission from the femurs and hips through the lumbar spine is not biofidelic. Neither commenter provided details regarding how this alleged problem should be addressed. Because the dummy is constructed from different materials than the human body, it can never be completely biofidelic. This final rule addresses identified problems concerning inadequate femur flexion and possible metal-to-metal contacts. As such, the final rule increases the biofidelity of the dummy. Consideration of other areas of biofidelity should be the subject of future research.

Four commenters (Ford, General Motors (GM), Toyota, and, Transportation Research Center (TRC))