

would amend the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. It will replace FAR Parts 45 and 52.245 and makes conforming changes to FAR Parts 4, 7, 8, 15, 16, 17, 22, 27, 28, 31, 32, 35, 42, 43, 44, 49, 51, 52, and 53. The comment period is extended in order to accommodate public requests for an extension.

**DATES:** Comments on the proposed rule should be submitted in writing to the FAR Secretariat at the address shown below on or before August 15, 1997.

**ADDRESSES:** Submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

E-mail comments submitted over Internet should be addressed to farcase.95-013@gsa.gov. Please cite FAR case 95-013 in all correspondence related to this case.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angelena Moy (703) 695-1097/1098 (E-Mail: moyac@acq.osd.mil), or Ms. Linda Klein at (202) 501-3775.

**List of Subjects in 48 CFR Parts 4, 7, 8, 15, 16, 17, 22, 27, 28, 31, 32, 35, 42, 43, 44, 45, 49, 51, 52, and 53**

Government procurement.

Dated: July 1, 1997.

**Jeremy C. Olson,**

Acting Director, Federal Acquisition Policy Division.

[FR Doc. 97-17626 Filed 7-3-97; 8:45 am]

BILLING CODE 6820-EP-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 97-44; Notice 01]

RIN 2127-AG48

### Federal Motor Vehicle Safety Standards; Seat Belt Assemblies

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** In response to a petition from the Association of International Automobile Manufacturers, Inc. (AIAM), this document proposes to amend Standard No. 209, *Seat Belt Assemblies*, by deleting the requirement in S4.1(b) that the lap belt portion of a

safety belt system be designed to remain on the pelvis under all conditions. The agency has tentatively determined that other provisions in Standard No. 209, and provisions in Standard No. 208, *Occupant Crash Protection*, and Standard No. 210, *Seat Belt Assembly Anchorages*, provide adequate and more readily enforceable requirements for pelvic restraint. Therefore, the agency believes that deleting the pelvic restraint requirement in Standard No. 209 would cause no detriment to safety.

This proposal is consistent with the President's Regulatory Reinvention Initiative, which directs Federal agencies to identify and eliminate unnecessary Federal Regulations.

**DATES:** *Comment Date:* Comments must be received by September 5, 1997.

*Proposed Effective Date:* If adopted, the proposed amendments would become effective September 1, 1998.

**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:** The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

*For non-legal issues:* Mr. John Lee, Office of Crashworthiness Standards, NPS-11, telephone (202) 366-4924, facsimile (202) 366-4329, electronic mail "jlee@nhtsa.dot.gov".

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

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies*, specifies requirements for seat belt assemblies, including the pelvic restraint and the upper torso restraint. Other requirements address the release mechanism, the attachment hardware, the adjustment, the webbing, the strap, and marking and other informational instructions. Standard No. 209 was patterned after an existing Department of Commerce standard, which was adopted from a Society of Automotive Engineers (SAE) standard. (29 FR 16973, December 11, 1964)

In Standard No. 209, section S4.1(b) *Pelvic restraint* states:

A seat belt assembly shall provide pelvic restraint whether or not upper torso restraint

is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over of the motor vehicle. Pelvic restraint of a Type 2 seat belt assembly that can be used without upper torso restraint shall comply with requirement for Type 1 seat belt assembly in S4.1 to S4.4.

No National Highway Traffic Safety Administration (NHTSA) rulemaking proceeding, SAE, or Department of Commerce standard has discussed the rationale of S4.1 (b). The agency believes that the main purpose of having S4.1(b) is to ensure that the lap belt remains on the pelvis, to provide a strong, bony support for belt loads incurred during a crash, rather than imposing the loads on the soft, abdominal region or the femurs. The iliac crest of the pelvic bone provides a natural "detent" which helps to retain the belt on the pelvic bone.

Submarining which may occur in a crash tends to displace the lap belt from its optimum position on the pelvis and moves it to the more vulnerable, soft abdominal area.

In response to a letter from Mr. H. George Johannessen of the Automotive Occupant Restraint Council asking about the meaning of S4.1(b), NHTSA issued an interpretation letter dated August 11, 1991 that stated:

\* \* \* we believe that the requirement of S4.1(b) of Standard No. 209 means that safety belts must be designed to be capable of being properly adjusted and positioned on the pelvis of occupants ranging from 6-year-old children to 95th percentile adult males. The belts must also be capable of remaining on the pelvis of such occupants during collision or roll-over. A belt system that was not capable of being positioned on the pelvis and remaining there during crashes would not comply with S4.1(b).

##### II. Rulemaking Petition

On May 24, 1996, the Association of International Automobile Manufacturers, Inc. (AIAM) petitioned NHTSA to delete S4.1(b) of Standard No. 209. That organization stated that this provision was an appropriate candidate for deletion in accordance with the President's Regulatory Reinvention Initiative, which directed Federal agencies to identify rules that are unnecessary or that should be clarified.

AIAM stated that the phrase "designed to remain on the pelvis under all conditions" was redundant of other, more specific and more stringent requirements in Standard No. 208, *Occupant Crash Protection*, Standard No. 209, and Standard No. 210, *Seat Belt Assembly Anchorages*, which already provide specific requirements about pelvic restraint. As an example,

that organization stated that Section S7.1.1 of Standard No. 208 requires that safety belts be adjustable to fit "persons whose dimensions range from those of a 50th percentile 6 year old child to those of a 95th percentile adult (male)." In addition, the petitioner claimed that the range of adjustment in Standard No. 208 is more stringent than Standard No. 209.

AIAM stated that Standard No. 209 does not appear to be addressing safety belt performance issues as effectively as Standard No. 208 and Standard No. 210 have addressed them in recent years. AIAM listed several examples of improvements to safety belt performance in FMVSS No. 208 (e.g., improved comfort, dynamic testing of manual safety belts, lap/shoulder belts in rear outboard seating positions, etc.) and FMVSS No. 210 (e.g., 30 degree lap belt angle).

AIAM further stated that the only rulemaking proceeding involving Standard No. 209 in recent years was one that removed obsolete provisions and reconciled the requirements of Standard No. 209 with Standard No. 208's dynamic testing requirements.

### III. NHTSA Response and Proposal

NHTSA tentatively concludes that S4.1(b) is not an effective requirement as currently drafted. It needs to be either clarified or deleted. The provision "\* \* \* the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or roll-over \* \* \*" raises a question: If a lap belt does not remain on the pelvis during a crash, is that sufficient to establish that the belt is not "designed" to remain on the pelvis under all conditions? Further, the meaning of the words, "remain on the pelvis," is unclear. Thus, the requirement appears to be unenforceable in its current form and is a candidate for regulatory reform.

After reviewing the available information, NHTSA has decided to propose amending Standard No. 209 by deleting S4.1(b). The agency believes that Standard No. 208, other provisions in Standard No. 209, and Standard No. 210 contain adequate and more specific requirements that together ensure effective pelvic restraint. The fitting requirements of Standard No. 208 establish requirements that the lap belt portion of the safety belt must fit persons from a six-year-old child to a 95th percentile adult male. Two other requirements, one in Standard No. 210 and the other in Standard No. 209 itself, specify safety belt fit and reduce the likelihood of occupant submarining. The agency amended S4.3.1 of Standard No. 210 in 1990 to increase the

minimum lap belt angle to 30 degrees, specifically to improve belt fit and reduce the potential of occupant submarining. (55 FR 17970, April 30, 1990) In addition, section S4.3(j) of Standard No. 209 requires that an emergency-locking retractor lock before the webbing extends one inch when the retractor is subjected to an acceleration of 0.7g. This requirement prevents belt webbing from playing out in a crash. NHTSA tentatively concludes that the fitting requirements in Standard No. 208 together with the lap belt angle in Standard No. 210 and emergency-locking retractor requirements in Standard No. 209 provide assurance that the lap belt would reduce the likelihood of occupant submarining.

Based on these considerations, the agency believes that deleting the pelvic restraint requirement in section S4.1(b) of Standard No. 209 would cause no detriment to safety, and is accordingly proposing to delete it.

### Rulemaking Analyses and Notices

#### *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 not "significant" under the Department of Transportation's regulatory policies and procedures. There would be no apparent cost savings or added costs. Deletion of this section would not result in any manufacturing changes or deletion of compliance tests. There are no apparent benefits (other than the deletion of a requirement that does not add to safety) or disbenefits. Deletion of this section should not result in any design or performance changes on motor vehicle restraints.

#### *Regulatory Flexibility Act*

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained above, NHTSA does not anticipate a significant economic impact on any manufacturer from this proposal.

#### *Paperwork Reduction Act*

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

#### *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.

#### *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.

#### *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 571

Imports, Motor vehicle safety, Motor vehicles.

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

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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 571.209 would be amended by removing and reserving S4.1(b) to read as follows:

#### § 571.209 Standard No. 209, Seat Belt Assemblies.

\* \* \* \* \*

S4.1 \* \* \*

(b) [Reserved]

\* \* \* \* \*

Issued on: June 30, 1997.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 97-17628 Filed 7-3-97; 8:45 am]

BILLING CODE 4910-59-P