

be challenged later in proceedings to enforce its requirements.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Particulate matter.

Dated: August 14, 1997.

**David A. Ullrich,**

*Acting Regional Administrator.*

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. Section 52.776 is amended by adding paragraph (q) to read as follows:

#### § 52.776 Control strategy: Particulate matter.

\* \* \* \* \*

(q) Approval—On April 8, 1993, and supplemented on June 17, 1997, the State of Indiana submitted a maintenance plan and a request that sections 15, 16, 21, 22, 27, 28, 33 and 34 of Clinton Township in Vermillion County be redesignated to attainment of

INDIANA—PM-10

the National Ambient Air Quality Standard for particulate matter. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

#### PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. In section 81.315, in the table entitled "Indiana—PM-10," the entry for Vermillion County is amended to read as follows:

#### § 81.315 Indiana.

\* \* \* \* \*

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * * *				
Vermillion County Part of Clinton Township, including sections 15, 16, 21, 22, 27, 28, 33 and 34.	Oct. 27, 1997 .....	Attainment.	*	*
* * * * *				

\* \* \* \* \*

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[FCC 97-266]

#### Compensation of Costs of Mitigating Cuban Interference

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order removes the Commission's rules implementing Section 7 of the Radio Broadcasting to Cuba Act: Compensation of Costs of Mitigating Cuban Interference because the funding for this activity was only authorized for a four year period from the date of the first Radio Marti program broadcast, May 20, 1985. Congress has made no further appropriations for this activity.

**EFFECTIVE DATE:** August 26, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ana Janckson-Curtis, Compliance and Information Bureau, (202) 418-1160.

**SUPPLEMENTARY INFORMATION:** Adopted: July 28, 1997. Released: August 4, 1997.

1. This Order removes the provisions listed in Subpart M of Part 1 of the Commission's Rules, implementing section 7 of the Radio Broadcasting to Cuba Act, Pub. L. 98-111, 97 Stat. 749 (1983). This subpart includes Sections 1.1701 through 1.1712 of the Commission's Rules 47 CFR 1.1701-1.1712.

2. The Radio Broadcasting to Cuba Act established a domestic radio broadcast service to Cuba. Because Congress expected the government of Cuba to retaliate for these broadcasts by interfering with or jamming U.S. broadcast stations, Congress also adopted Section 7 of the Radio Broadcasting to Cuba Act. This provision authorized the Federal Communications Commission (FCC) to determine levels of jamming and interference to U.S. radio broadcasting stations by Cuba through regular monitoring of the 1180 AM frequency. Under Section 7, the Commission became responsible for establishing interference measurement criteria to assist in settling compensation claims brought by U.S. radio broadcasting station licensees for costs incurred in mitigating the effects of jamming activities by the Government of Cuba.

3. To implement Section 7, the Commission adopted regulations setting forth the technical standards, requirements and procedures for

affected broadcast stations to file a claim, and the standards and procedures to be used by the FCC staff to verify the level of interference received by the stations. Congress specifically stated in section 7(e), however, that "[f]unds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of the program described in this Act."<sup>1</sup>

4. The first Radio Marti broadcast occurred on May 20, 1985. Since then, Congress has made no further authorization or appropriation of funds for the Radio Marti compensation program.<sup>2</sup> In the circumstances, we

<sup>1</sup> The amount actually appropriated for "facilities compensation" was \$3,500,000 in 1984, see S. Rep. 98-514, to accompany H.R. Bill 5712, 98th Cong. 2nd Sess. The Committee on Appropriations noted that it expected to be informed of the need for additional funds up to the \$5,000,000 authorized.

<sup>2</sup> Indeed, in 1990, when Congress authorized the TV Marti station, Congress debated whether to fund a compensation program for broadcasters, and chose not to do so. Instead, Congress specified alternative means for resolving any interference problems that would result from the establishment of the TV Marti program. For example, a task force was established for dealing with interference complaints and the FCC was instructed to monitor and report objectionable interference to appropriate Congressional committees. See Conf. Rep. Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, 101 Cong. 1st Sess., Rep. 101-343. Congress also authorized the FCC to make technical changes

Continued

conclude that the compensation program set forth in Section 7 of the Radio Broadcasting to Cuba Act has elapsed and, therefore, removal of the rules implementing Section 7 of the Radio Broadcasting to Cuba Act is warranted. For the same reason, we have removed Section 0.61(g), 47 CFR 0.61(g), which gave the Mass Media Bureau responsibility for processing compensation claims resulting from the Radio Marti operations. Similarly, we have deleted OMB control numbers 3060-0344 and 3060-0345 from the list of OMB control numbers assigned pursuant to the Paperwork Reduction Act, Public Law 104-13, and set forth in Section 0.408, 47 CFR 0.408. These control numbers identified the Commission's forms used to file compensation claims at issue.

5. Because this order will remove rules which are no longer authorized by a statute, this change constitutes a minor amendment to our rules. The expiration of Congress' authorization to carry out the compensation program makes the removal of the rules implementing the compensation program a ministerial function. Therefore, we find for good cause that compliance with the notice and comment procedure of the Administrative Procedure Act is unnecessary and that this action is not subject to the thirty day effective period required by section 553(d) of the Administrative Procedure Act, 5 U.S.C. § 553(d). Accordingly, this Order is effective immediately upon publication in the **Federal Register**. (See 5 U.S.C. § 553(b)(B)).

6. Accordingly, it is ordered, that pursuant to Sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 303(r), 47 CFR part 1, is amended to remove Subpart M, which consists of Sections 1.1701 through 1.1712.

7. It is further ordered that this Order will be effective on August 26, 1997.

8. Further information on this proceeding may be obtained by contacting Ana Janckson-Curtis, Compliance and Information Bureau, at (202) 418-1160.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

### **Rule Changes**

Parts 0 and 1 of Title 47 of the Code of Federal Regulations are amended as follows:

to resolve interference to affected stations. See S. Rep. No. 46, 101st Cong., 1st Sess., 41 (1989).

## **PART 0—ORGANIZATION**

1. The authority citation for part 0 continues to read as follows:

**Authority:** Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

### **§ 0.61 Functions of the Bureau.**

2. Section 0.61 is amended by removing and reserving paragraph (g).

### **§ 0.408 OMB control number and expiration dates assigned pursuant to the Paperwork Reduction Act.**

3. Section 0.408 is amended by removing the entries for OMB Control Nos. 3060-0344 and 3060-0345.

## **PART 1—PRACTICE AND PROCEDURE**

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

**Authority:** 47 U.S.C. 151, 154, 207, 303, and 309(j), unless otherwise noted.

5. Subpart M of part 1, consisting of §§ 1.1701 through 1.1712, is removed and reserved.

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 571**

[Docket No. 74-14; Notice 121]

RIN 2127-AG94

### **Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Occupant Protection in Interior Impact**

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

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** In March 1997, NHTSA temporarily amended the agency's occupant crash protection standard to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively. More specifically, the agency adopted an unbelted sled test protocol as a temporary alternative to the standard's full scale unbelted barrier crash test. NHTSA took this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that current air bags are causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants.

This document makes a further amendment to the agency's occupant crash protection standard, so that a special, less stringent test requirement in a related standard that applies to vehicles certified to the unbelted barrier test will also apply to vehicles certified to the alternative sled test. This action is necessary to prevent a delay in depowering. NHTSA also solicits comments on this amendment.

**DATES:** *Effective date:* The amendments made by this interim final rule are effective August 26, 1997.

*Comments:* Comments must be received on or before October 27, 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 information about air bags and related rulemakings:* Visit the NHTSA web site at <http://www.nhtsa.dot.gov> and select "AIR BAGS: Information about air bags."

*For non-legal issues:* Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2264. Fax: (202) 366-4329.

*For legal issues:* J. Edward Glancy, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992. Fax: (202) 366-3820.

**SUPPLEMENTARY INFORMATION:** On March 19, 1997, NHTSA published in the **Federal Register** (62 FR 12960) a final rule temporarily amending Standard No. 208, *Occupant Crash Protection*, to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively. More specifically, the agency adopted an unbelted sled test protocol, recommended by the American Automobile Manufacturers Association (AAMA), as a temporary alternative to Standard No. 208's full scale unbelted barrier crash test. The agency did not change the standard's full scale belted barrier crash test.

NHTSA took this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that current air bags are causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants. The