**Federal Communications Commission.**

**Magalie Roman Salas,**

*Secretary.*

## Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows.

## PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, and 303(r), 309.

2. Section 1.4 is amended by revising paragraph (f) to read as follows:

**§ 1.4 Computation of time.**

* * * * *

(f) Except as provided in § 0.401(b) of this chapter, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form, as directed by the Rules, with the Office of the Secretary before 7:00 p.m., at 445 12th St., SW., TW–A325, Washington, DC. The Secretary will determine whether a tendered document meets the pre-7:00 p.m. deadline. Documents filed electronically pursuant to § 1.49(f) must be received by the Commission's electronic filing system before midnight. Applications, attachments and pleadings filed electronically in the Universal Licensing System (ULS) pursuant to § 1.939(b) must be received before midnight on the filing date. Mass Media Bureau applications and reports filed electronically pursuant to § 73.3500 of this Chapter must be received by the electronic filing system before midnight on the filing date.

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[FR Doc. 99–12613 Filed 5–18–99; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 531

**[Docket No. NHTSA–98–4853]**

**RIN 2127–AG95**

## Passenger Automobile Average Fuel Economy Standards

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends the passenger automobile fuel economy regulation by providing a procedure by which a vehicle manufacturer may notify NHTSA of the model year in which it elects to consider production of components and automobile assembly in Mexico as domestic value added. This domestic value added is used to determine if a passenger automobile should be assigned to the manufacturer's import or domestic fleet for computation of the fleet average fuel economy. The amendment implements a provision of the North American Free Trade Agreement Implementation Act of 1993.

**EFFECTIVE DATE:** This amendment is effective July 19, 1999.

**ADDRESS:** Petitions for reconsideration should refer to the docket number set forth above and be submitted to Docket Management Section, Pl–403, 400 7th Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ms. Henrietta L. Spinner, Office of Planning and Consumer Programs, NHTSA, 400 7th Street, SW, Washington, DC 20590. Telephone: (202) 366–4802.

**SUPPLEMENTARY INFORMATION:**

## Background

The Corporate Average Fuel Economy (CAFE) law, codified as Chapter 329 of title 49, United States Code, provides that the Administrator of the Environmental Protection Agency (EPA) calculates the CAFE of each automobile manufacturer (49 U.S.C. 32904(a)). Section 32904(b) provides that passenger automobiles manufactured by a manufacturer are to be divided into two fleets, according to whether or not they are manufactured domestically. Each manufacturer's domestic and non-domestic fleet is required to comply separately with the passenger automobile CAFE standard. An automobile is considered to be manufactured domestically if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States and Canada.

The North American Free Trade Agreement Implementation Act of 1993, Pub. L. 103–182, amended Section 32904(b) to provide that the value added to a passenger automobile in Mexico is considered to be domestic value. As amended, paragraph 32904(b)(3)(A) provides that

> [A] passenger car is deemed to be manufactured domestically in a model year, as provided in subparagraph (B) of this paragraph, if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the vehicle is completed in Canada or Mexico and the automobile is imported into the United States more than 30 days after the end of the model year.

The effect of the amendment is that value added in Mexico is considered on the same terms as value added in Canada or the United States. However, the transition to treating Mexican value as domestic value was not to be immediate. Subparagraph (B) of paragraph 32904(b)(3) sets forth specific conditions to govern the transition, and specifies different dates for manufacturers, according to whether or when they began to assemble passenger automobiles in Mexico.

Under subparagraph 32904(b)(3)(B)(i), a manufacturer that began to assemble automobiles in Mexico before model year 1992 can elect to have its Mexican production considered domestic beginning with a model year that begins after the date of its election in the period from January 1, 1997, through January 1, 2004.

A manufacturer that began assembling automobiles in Mexico after model year 1991 is required to count the value added in Mexico as domestic value beginning with the model year that begins after January 1, 1994, or the model year in which the manufacturer begins to assemble automobiles in Mexico, whichever is later (subparagraph (B)(ii)).

A manufacturer that does not assemble automobiles in Mexico may elect under subparagraph (B)(iii) to have the value of Mexican components treated as domestic value for purposes of automobiles manufactured in a model year beginning after the date of its election in the period from January 1, 1997, through January 1, 2004.

A manufacturer that does not assemble automobiles in either the United States, Canada, or Mexico is required to count the value of any Mexican components as domestic value, beginning with the model year that begins after January 1, 1994 (subparagraph (B)(iv)).

A manufacturer covered by either subparagraph (B)(i) or (B)(iii) that does not make an election within the specified period must consider any value added in Mexico as domestic value beginning with the model year that begins after January 1, 2004 (subparagraph (B)(v)).

Subparagraph 32904(b)(3)(C) provides that the Secretary of Transportation ''shall prescribe reasonable procedures'' for those manufacturers that can elect the model year for which the value added in Mexico is to be treated as domestic value. Insofar as the calculation of CAFE levels is the

responsibility of the EPA Administrator, the procedures issued by the Secretary must be in the form of directions to the EPA Administrator. EPA has amended its regulations at 40 CFR 600.511–80 to incorporate the provisions of the NAFTA Implementation Act (59 FR 33914; July 1, 1994). In anticipation of implementing regulations being issued by the Secretary of Transportation, subsection (b)(5) of 40 CFR 600.511–80 provides that any model year elections by a manufacturer are to be made in accordance with the regulations issued by the Secretary.

Insofar as 49 U.S.C. 32904(b)(3) does not limit a manufacturer's discretion to elect any model year in the period from January 1, 1997, through January 1, 2004, NHTSA concludes that the implementing procedures need only specify the method in which a manufacturer gives notice of its election and provide a minimum notice period before the beginning of the model year elected. Accordingly, this rule amends section 531.6 of title 49 CFR to provide that any manufacturer making a model-year election under subparagraphs (B)(i) and (B)(iii) of 49 U.S.C. 32904(b)(3) shall notify the EPA and NHTSA Administrators of its election not later than 60 days before the beginning of the model year to which the election applies.

**Final Rule**

This amendment is published as a final rule, without prior notice and opportunity to comment. The NAFTA Implementation Act required that the agency issue procedures to allow manufacturers to elect certain options by January 1, 1997. The regulations contained in this final rule are ministerial in nature and simply implement the express provisions of the NAFTA Implementation Act. Accordingly, the agency finds, for good cause, that notice and comment are unnecessary and issues the amendment as a final rule. 5 U.S.C. 53(b)(3)(B).

**Impact Analyses**

*A. Executive Order 12866 and DOT Regulatory Policies and Procedures*

This rule was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has considered the economic implications of the rule and determined that it is not significant within the meaning of the DOT Regulatory Policies and Procedures. Today's amendment will not affect manufacturer or supplier costs.

*B. Regulatory Flexibility Act*

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rule would have on small entities. I certify that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. Although certain small businesses, such as parts suppliers, and some vehicle manufacturers are affected by the regulation, the effect on them is negligible.

*C. National Environmental Policy Act*

The agency has analyzed the environmental impacts of the rule in accordance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and has concluded that it will not have a significant effect on the quality of the human environment.

*D. Executive Order 12612 (Federalism)*

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

*E. Paperwork Reduction Act*

This final rule includes new ''collections of information,'' as that term is defined by the Office of Management and Budget (OMB). The rule contains information collections that are subject to review by OMB under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The title, description, and respondent description of the information collections are shown below with an estimate of the annual burden. Included in the estimate is the time for reviewing regulations, searching existing data sources, gathering and maintaining the data, and completing and reviewing the collection of information.

*Title:* 49 CFR part 531—Passenger Automobile Average Fuel Economy Standards.

*Need for Information:* This information is needed to determine the domestic and non-domestic automobile fleets for CAFE computation purposes. The NAFTA Implementation Act's provision for the treatment of Mexican content permits certain manufacturers to elect the model year for which Mexican content in their automobiles will be treated as domestic content.

*Proposed Use of Information:* The information would advise the EPA Administrator that a manufacturer has made an election as to the model year in which it will consider Mexican content to be domestic content, thereby enabling the EPA Administrator to identify the manufacturer's domestic and non-domestic automobile fleets.

*Frequency:* The agency estimates that manufacturers will report this information once as they prepare to consider Mexican content as domestic content.

*Burden Estimate:* The agency estimates that a manufacturer may encounter a total burden of five to seven hours to prepare a letter stating that it is electing to count the Mexican content in its passenger automobile fleet as domestic content. Seventeen manufacturers are eligible to make this election. Accordingly, the agency estimates the total burden hours to be 85 to 119.

*Respondents:* There are 20 manufacturers, but only 17 are eligible to make an election. The other three manufacturers produce only light trucks, and light truck fleets are not divided into domestic and non-domestic fleets for CAFE purposes.

*Form(s):* Not applicable.

*Average burden hours per respondent:* The agency estimates that a manufacturer may experience a total burden of five to seven hours to prepare a letter stating its intent to include Mexican content as domestic content in its passenger automobile fleet.

*Average burden cost per respondent:* The agency estimates that a manufacturer may incur a cost of $200 to $300 to comply with this requirement. This cost includes the salary of its personnel to review this requirement, to examine its passenger automobile fleet content data, and to prepare and send the letter advising EPA and NHTSA Administrators of the manufacturer's election.

Individuals and organizations may submit comments on the information collection requirements by June 18, 1999. The reporting and recordkeeping requirements associated with this final rule will be submitted to OMB for approval in accordance with the Paperwork Reduction Act (Pub. L. 104–13). The agency believes that the amendment made by this rule will result in a minimal increase in the paperwork burden for vehicle manufacturers and suppliers.

*F. Civil Justice Reform*

This rule will not have any retroactive effect and does not preempt any State law. The rule does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

*G. Notice and Comment*

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this action requires only that manufacturers provide notice of elections they are making with regard to the inclusion of value added in Mexico. It does not affect a manufacturer's ability to make an election or the timing its election. In view of the negligible impacts of the rule, the agency finds there is good cause to issue the rule without prior notice and opportunity for comment.

**List of Subjects in 49 CFR Part 531**

Energy conservation, Fuel economy, Gasoline, Imports, Labeling, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 531 is amended as follows:

## PART 531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

1. The authority citation for Part 531 is revised to read as follows:

**Authority:** 49 U.S.C. 32902, 49 U.S.C. 32904; Delegation of authority at 49 CFR 1.50.

2. Section 531.6(b) is added to read as follows:

**§ 531.6 Measurement and calculation procedures.**

* * * * *

(b) A manufacturer that is eligible to elect a model year in which to include value added in Mexico as domestic value, under subparagraphs (B)(i) and (B)(iii) of 49 U.S.C. 32904(b)(3), shall notify the Administrators of the Environmental Protection Agency and the National Highway Traffic Safety Administration of its election not later than 60 days before it begins production of automobiles for the model year. If an eligible manufacturer does not elect a model year before January 1, 2004, any value added in Mexico will be considered domestic value for automobiles manufactured in the next model year beginning after January 1, 2004, and in subsequent model years.

Issued on: May 10, 1999.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 99–12607 Filed 5–18–99; 8:45 am]

BILLING CODE 4910–59–P

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

**[Docket No. 99–5682]**

**RIN 2127–AG48**

## Federal Motor Vehicle Safety Standards; Seat Belt Assemblies

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

**ACTION:** Final rule.

**SUMMARY:** NHTSA is deleting the provision in Standard No. 209, Seat Belt Assemblies, requiring that the lap belt portion of a safety belt system be designed to remain on the pelvis under all conditions. NHTSA has concluded retention of this requirement is unnecessary since provisions in Standard No. 209, Standard No. 208, Occupant Crash Protection, and Standard No. 210, Seat Belt Assembly Anchorages, together require pelvic restraint. Further, those requirements are more readily enforceable than the requirement being deleted from Standard No. 209. Today's rule responds to a petition for rulemaking from the Association of International Automobile Manufacturers (AIAM). It is also consistent with the President's Regulatory Reinvention Initiative, which directed Federal agencies to identify and eliminate unnecessary Federal Regulations.

**DATES:** This final rule is effective July 19, 1999. Petitions for Reconsideration must be received by July 6, 1999.

**ADDRESSES:** Petitions should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

*For non-legal issues:* Mr. John Lee, Office of Crashworthiness Standards, NPS–11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366–2264, facsimile (202) 366–4329, electronic mail jlee@nhtsa.dot.gov.

*For legal issues:* Ms. Nicole H. Fradette, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366–2992, facsimile (202) 366–3820, electronic mail nfradette@nhtsa.dot.gov.

**SUPPLEMENTARY INFORMATION:**

### I. Background

Federal Motor Vehicle Safety Standard No. 209, Seat Belt Assemblies, specifies requirements for seat belt assemblies, including the pelvic restraint (i.e., lap belt) and the upper torso restraint (i.e. shoulder belt). Other requirements address the release mechanism, the attachment hardware, the adjustment, the webbing, the strap, and marking and other informational instructions. NHTSA adopted Standard No. 209 in 1967 as one of the initial Federal motor vehicle safety standards (32 FR 2408, February 3, 1967).[1]

S4.1(b) Pelvic restraint of Standard No. 209 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.

Although the brief preamble of the notice establishing the standard and paragraph S4.1(b) in 1967 did not discuss the purpose of that paragraph, NHTSA regards the purpose of S4.1 (b) to be the reduction of the likelihood of restrained occupants sliding forward and under a fastened safety belt during a crash (referred to as submarining). It is important that the lap belt remains on the pelvis so that the crash forces transferred by a lap belt are imposed on the strong, bony pelvis instead of the more vulnerable abdominal region.

### II. NHTSA Response and Proposal

In a notice of proposed rulemaking (NPRM) published on July 7, 1997 (62 FR 36251)[2] NHTSA proposed to delete S4.1(b). NHTSA tentatively concluded that S4.1(b) was unclear and should either be clarified or deleted. The agency explained that it was unclear how it would determine that a lap belt complied with the Standard and was in fact ''designed'' to remain on the pelvis. NHTSA raised the issue of whether a

[1] Standard No. 209 was adopted from a Department of Commerce standard (32 FR 2408, February 3, 1967), which was adopted from a Society of Automotive Engineers (SAE) standard. (29 FR 16973, December 11, 1964).

[2] The NPRM was issued in response to a May 24, 1996 petition for rulemaking from the Association of International Automobile Manufacturers, Inc. (AIAM). AIAM petitioned NHTSA to delete S4.1(b) of Standard No. 209. 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 that affect pelvic restraint.