[FR Doc. 97–1389 Filed 1–17–97; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–247, RM–8914]

Radio Broadcasting Services; Pangburn, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Greers Ferry Broadcasting requesting the allotment of Channel 256A to Pangburn, Arkansas, as that community's first local aural transmission service. Coordinates used for Channel 256A at Pangburn are 35–26–52 and 91–48–57.

DATES: Comments must be filed on or before March 10, 1997, and reply comments on or before March 25, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Rick D. Rhodes, Esq., Irwin, Campbell & Tannenwald, P.C., 1730 Rhode Island Avenue, NW., Suite 200, Washington, DC 20036–3101.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–247, adopted November 22, 1996, and released December 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 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.

John A. Karousos,

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

[FR Doc. 97–1348 Filed 1–17–97; 8:45 am]
BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 96–246, RM–8904]

Radio Broadcasting Services; Salida, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Cyrus Esphahanian requesting the allotment of Channel 229C3 to Salida, Colorado, as that community's second local FM service. Coordinates used for Channel 229C3 at Salida are 38–29–10 and 105–58–53.

DATES: Comments must be filed on or before March 10, 1997, and reply comments on or before March 25, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Harry C. Martin and Richard J. Estevez, Esqs., Fletcher, Heald & Hildreth, PLC, 1300 N. 17th Street, 11th Floor, Rosslyn, VA 22209.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 96–246, adopted November 22, 1996, and released December 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140,Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 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.

John A. Karousos,

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

[FR Doc. 97–1349 Filed 1–17–97; 8:45 am]
BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14, Notice 112]

Federal Motor Vehicle Safety Standards; Occupant Restraint Systems

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

ACTION: Notice of technical workshop; request for comments.

SUMMARY: This document announces that NHTSA will be holding a public workshop to explore technical issues relating to the agency's occupant protection standard and smart air bags. The purposes of the workshop are to—

- Review the types of smart air bags (e.g., automatic deactivation based on weight sensors, automatic deactivation based on other or additional types of sensors, and automatic modulation of the speed and force of air bag deployment so as not to seriously injure occupants) and the specific technologies which can be used, singly or in combination, to provide smart capability;
- Assess the suitability of the agency's definitions of smart passenger air bags (provided in the agency's November 27, 1996 labeling final rule), and discuss appropriate definitions for smart driver air bags;
- Assess which types of specific smart air bag technologies or combinations of technologies are best suited for addressing passenger risks

and which are best suited for addressing driver risks;

- Consider what test procedures and test devices should be proposed by the agency to assure the proper performance of each type of smart air bag in the short run, and what procedures and devices would be appropriate for the long term;
- Consider whether, in the interest of promoting the early availability of reliable smart air bags, manufacturers should be encouraged or required to install relatively simple versions of smart air bags in the short term;
- Consider whether, in the interest of minimizing the risk of air bag deaths and preserving or enhancing air bag benefits, manufacturers should be encouraged or required to install more sophisticated smart air bags in the long run;
- Consider whether to use a phase-in and, if so, what phase-in schedule(s) should be proposed for smart passenger and driver air bags; and
- Discuss other issues related to the rapid introduction of smart air bag systems.

DATES: *Public workshop:* The public workshop will be held in Washington DC on February 11 and 12, 1997, from 9:00 a.m. to 5:00 p.m.

Those wishing to participate in the workshop should contact Clarke Harper, at the address or telephone number listed below, by January 31, 1997. Copies of statements to be presented on the first day of the workshop should be provided to Mr. Harper by February 7, 1997.

Written comments: Written comments may be submitted to the agency and must be received by February 21, 1997.

ADDRESSES: *Public workshop:* The public workshop will be held in room 2230 of the Nassif Building, 400 Seventh St. SW., Washington DC 20590.

Written comments: All written comments must refer to the docket and notice number of this notice and be submitted (preferable 10 copies) to the Docket Section, National Highway Traffic Safety Administration (NHTSA), Room 5109, 400 Seventh St., SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Clarke Harper, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC, 20590 (telephone 202–366–2264; fax 202–493–2739).

SUPPLEMENTARY INFORMATION:

I. Background

The history of NHTSA's consideration of air bags to address the problem of deaths in frontal vehicle impacts is almost as long as the history of the agency itself. In 1969, three years after the enactment of the National Traffic and Motor Vehicle Safety Act of 1966, the agency held its first public meeting on air bags.

The agency's first requirement for automatic restraints (i.e., automatic belts or air bags) was issued in the early 1970's, but was overturned on judicial review due to several ambiguities in the test procedures. A requirement for automatic restraints was reissued by Secretary Adams in 1977 and rescinded by the agency in the early 1980's because it concluded that the vehicle manufacturers were planning to install a type of automatic belt that the agency regarded as unlikely to be effective in increasing belt use. After the U.S. Supreme Court overturned the rescission, Secretary Dole reissued a requirement for automatic restraints in 1984. The 1984 rule encouraged, but did not require, the installation of air bags. Manufacturers continued under the rule to have the option of installing automatic belts.

Since then, there has been considerable experience with air bags.[1] Manufacturers responded to the agency's third automatic restraint requirement by voluntarily choosing to install significant numbers of driver air bags instead of automatic belts in cars beginning in model year 1986 and in light trucks beginning in model year 1991. Installation of passenger air bags came somewhat later. Manufacturers began voluntarily installing significant numbers of passenger air bags in cars in model year 1989 and in light trucks in model year 1994. As of the end of model year 1996, approximately 56 million driver air bags and 27 million passenger air bags had been installed in cars and light trucks. All were voluntarily installed. The first federally-required air bags appeared after model year 1996. Mandatory installation of air bags in passenger cars began with the current model year, model year 1997, pursuant to section 2508 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), and will begin for light trucks in model year 1998.

While these air bags saved approximately 1,700 lives through the end of 1996 and prevented many more serious injuries, they pose a lethal danger to infants in rear-facing child seats and to some other occupants, primarily unbelted ones, in low speed collisions. Air bags are killing a growing number of children. They have also killed a number of drivers, especially short women, although only one driver is known to have been killed by an air bag in this country in calendar year 1996.[2]

The agency has conducted a series of rulemaking proceedings over the last four years to address the risks posed by air bags. Most recently, the agency issued two final rules on this issue. One required new, attention-getting warning labels for child restraints and for vehicles without a ''smart'' passenger air bag, i.e., an air bag that automatically shuts off or adjusts its deployment so as not to adversely affect children. The other final rule extended the period during which manufacturers may install manual devices for deactivating passenger air bags in vehicles lacking a rear seat that can accommodate child restraints.

The agency also issued two proposals to provide interim solutions to the adverse side effects of air bags. One proposal would permit the deactivation of driver and passenger air bags in existing vehicles and in vehicles manufactured during the next several model years. The other proposal sets forth two alternatives to permit the depowering of air bags.

The first alternative depowering proposal would increase the current limit on the level of chest g's permitted in tests using an unbelted dummy. While Standard 208 does not specify a particular level of power, it does have the effect of limiting the extent to which air bags can be depowered. Many air bags cannot be sufficiently depowered without violating the existing limit or cutting into the compliance margins needed by the manufacturers. The second alternative would allow greater levels of depowering, by simplifying the test procedures and specifying a single crash pulse regardless of vehicle size. It would also allow all air bags in need of

[1] The first installation of air bags occurred a decade earlier. In the mid-1970's, driver and passenger air bags were installed in approximately 10,000 passenger cars by General Motors.

[2] The agency's figures for driver fatalities are based on information that NHTSA has developed through NHTSA's Special Crash Investigation program and are not the result of a census. Studies of Fatal Accident Reporting System data are underway to obtain more precise figures.

depowering to be modified and tested more quickly.

II. Smart Air Bags

There is a consensus among national regulatory authorities in this country and Canada, the vehicle industry and its suppliers, insurance industry and consumer groups that the smart air bag is the best means in the long term for preventing air bag deaths and preserving and even enhancing air bag benefits. In a November 22, 1996 press conference, NHTSA announced that it was considering issuing a proposal to mandate the phasing-in of smart air bags, beginning with 1999 models.

The agency defined smart passenger air bags as follows in its final rule on the new labels (S4.5.5 of Standard No. 208):

For purposes of this standard, a smart passenger air bag is a passenger air bag that:

(a) Provides an automatic means to ensure that the air bag does not deploy when a child seat or child with a total mass of 30 kg or less is present on the front outboard passenger seat, or

(b) Incorporates sensors, other than or in addition to weight sensors, which automatically prevent the air bag from deploying in situations in which it might have an adverse effect on infants in rear-facing child seats, and unbelted or improperly belted children, or

(c) Is designed to deploy in a manner that does not create a risk of serious injury to infants in rear-facing child seats, and unbelted or improperly belted children.

This definition was intended to broadly encompass passenger air bag designs that automatically avoid injuring the two groups of children shown by experience to be at special risk from air bags: infants in rear-facing child seats, and children who are out-of-position (because they are unbelted or improperly belted) when the air bag deploys. The agency has not provided a definition for driver smart air bags.

Vehicle manufacturers and air bag suppliers are working on many different design concepts that could, individually or when used with other concepts, qualify as smart air bags. The simplest concept, for passenger air bags, appears to be a weight sensor that would deactivate the air bag when either no passenger or only a child of less than 30 kilograms or 66 pounds is present. Other concepts include automatic deactivation based on other or additional types of sensors, such as ones which sense occupant position, and automatic modulation of the speed and force of air bag deployment (e.g., using dual or multiple level inflators) so as not to seriously injure occupants.

Vehicle manufacturers have broad flexibility to introduce smart air bags under the existing provisions of Standard No. 208. Smart air bags were permissible under the 1984 requirements and continue to be permissible today, even under the standard as amended pursuant to ISTEA.[3]

III. Air Bag Safety Meeting

On January 6, 1997, the NHTSA and the National Transportation Safety Board co-sponsored an Air Bag Safety Meeting of interested persons from government, industry and consumer groups. The participants focused on behavioral solutions, including public education, legislation regarding safety use laws, and enforcement, and on technological solutions, especially smart air bags.

IV. Public Workshop

A. Purposes

The purposes of the workshop are to—

- Review the types of smart air bags (e.g., automatic deactivation based on weight sensors, automatic deactivation based on other or additional types of sensors, and automatic modulation of the speed and force of air bag deployment so as not to seriously injure occupants) and the specific technologies which can be used, singly or in combination, to provide smart capability;
- Assess the suitability of the agency's definitions of smart passenger air bags (provided in the agency's November 27, 1996 labeling final rule), and discuss appropriate definitions for smart driver air bags;
- Assess which types of specific smart air bag technologies or combinations of technologies are best suited for addressing passenger risks and which are best suited for addressing driver risks;
- Consider what test procedures and test devices should be proposed by the agency to assure the proper performance of each type of smart air bag in the short run, and what procedures and devices would be appropriate for the long term;
- Consider whether, in the interest of promoting the early availability of reliable smart air bags, manufacturers should be encouraged or required to install relatively simple versions of smart air bags in the short term;
- Consider whether, in the interest of minimizing the risk of air bag deaths and preserving or enhancing air bag benefits, manufacturers should be encouraged or required to install more sophisticated smart air bags in the long run;
- Consider whether to use a phase-in and, if so, what phase-in schedule(s) should be proposed for smart passenger and driver air bags; and
- Discuss other issues related to the rapid introduction of smart air bag systems.

NHTSA is especially interested in specific technical input concerning how a regulation, including appropriate test procedures, can be crafted that would ensure that the adverse effects of air bags are addressed by the expeditious implementation of effective, reliable smart air bags, without being unnecessarily design restrictive. The agency notes that there is limited time to develop new test procedures, since the agency expects manufacturers to begin to phase in smart air bags by model year 1999. Therefore, the agency solicits comments on those requirements and test procedures that would be appropriate for the short term (i.e., through model year 2002) and those that would be appropriate in the long term.

At the January 6, 1997 air bag safety meeting, the American Automobile Manufacturers Association recommended that the agency consider the following three principles in developing a proposal for smart air bags: (1) Optimize protection for restrained occupants, (2) Do no harm to children and small-statured adults, and (3) Highest feasible protection for unrestrained adults. The agency requests comments on this recommendation and on possible test

[3] The Standard's automatic protection requirements are performance requirements and do not specify the design of an air bag. Instead, vehicles must meet specified injury criteria, including criteria for the head and chest, measured on properly positioned test dummies, during a barrier crash test, at speeds up to 30 mph.

While the Standard requires air bags to provide protection for properly positioned adult occupants (belted and unbelted) in relatively severe crashes, and very fast air bags may be necessary to provide such protection, the standard does not require the same speed of deployment in the presence of out-of-position occupants, or even any deployment at all. Instead, the standard permits the use of dual or multiple level inflator systems and automatic cut-off devices to protect out-of-position occupants and rear-facing infants. Therefore, regulatory changes are not needed to permit manufacturers to implement these solutions.

The agency also notes that there are many other variables in air bag design and related vehicle design that can affect potential aggressivity. Variables related to air bag design include air bag volume, fold patterns, tethering, venting, mass/material, shape and size of air bag module opening, and module location and deployment path. Related vehicle design variables include such things as recessing the inflator/air bag in the steering wheel assembly or in the dash, pedal adjusters, safety belt pretensioners and webbing clamps. The standard's performance requirements permit manufacturers to adjust all of these variables to minimize adverse effects of air bags.

procedures that could result in air bag designs consistent with these principles.

The agency notes that there are particular challenges in developing test procedures to ensure the proper functioning of smart air bag concepts other than weight sensors. In the case of weight sensors, it appears that a relatively simple, inexpensive static test procedure could be developed. The procedure would check whether the sensor ensured that the air bag was on or off under specified conditions related to the amount of weight on the seat, and perhaps the distribution of that weight.

However, dynamic procedures might be needed to assess the performance of other smart air bag concepts. For example, in order to measure the performance of a system which deactivated the air bag based on occupant position, it might be necessary to check whether the sensor would reliably turn the air bag off in such situations as that of a child who is propelled into the dashboard as a result of pre-crash braking just before a crash. In order to measure the performance of a system which used automatic modulation of the speed and force of air bag deployment, it might be necessary to check whether the forces from the air bag would cause injury to occupants in various conditions, possibly using dummies. NHTSA notes that, given the large number of potential conditions involving out-of-position occupants, a wide array of conditions might need to be tested to ensure adequate performance.

The agency requests comments on whether and how adequate performance can or should be ensured solely by means of dynamic test requirements, and, if not, what other regulatory approaches might be appropriate. NHTSA notes that, in its rulemaking to improve the stability and control of medium and heavy vehicles during braking, it adopted the approach of requiring vehicles to be equipped with antilock brake systems that meet a specific definition, and supplementing that requirement with limited dynamic performance requirements. See 60 FR 13216; March 10, 1995. The agency requests comments on whether an approach along those lines might be appropriate for a proposal for smart air bags, either as an interim measure to get requirements in place quickly or as a longer term approach as well.

NHTSA requests that vehicle manufacturers and air bag suppliers provide written comments describing their recent and anticipated efforts to develop and assess smart air bag technologies. The agency specifically requests that they provide descriptions of their recent and anticipated component and vehicle testing, market surveys, and any other developmental work. NHTSA recognizes the sensitivity of this information and will protect confidentiality as authorized by law.

B. Procedural Matters

February 11

The first day will be devoted to presentations by public participants concerning technical issues. The time available for individual presentations will be determined by the agency based on the number of persons who submit requests to participate by the January 31 deadline. If necessary, parties with similar points of view will be encouraged to coordinate their presentations to avoid duplication.

February 12

The second day will be devoted to an interactive discussion among interested persons. Procedures for encouraging an exchange of ideas during the interactive phase of the workshop will be discussed at the beginning of the session on that day. Those persons interested in actively participating in this phase of the workshop should contact Mr. Harper not later than January 31. The agency will make available an agenda setting forth the sequence of issues to be discussed during the interactive phase.

To facilitate communication, NHTSA will provide auxiliary aids (e.g., sign-language interpreter, braille materials, large print materials and/or a magnifying device) to participants as necessary, during the workshop. Any person desiring assistance of auxiliary aids should contact Ms. Bernadette Millings, NHTSA Office of Crashworthiness Standards, telephone (202) 366–1740, no later than 10 days before the workshop. For any presentation that will include slides, motion pictures, or other visual aids, the presenters should bring at least one copy to the workshop so that NHTSA can readily include the material in the public record.

NHTSA will place a copy of any written statement in the docket for this notice. In addition, the agency will make a verbatim record of the public workshop and place a copy in the docket.

IV. Written Comments

Participation in the workshop is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties. It is requested but not required that 10 copies be submitted.

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 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 will be considered. To the extent possible, comments filed after the closing date will also be considered. Comments will be available for inspection in the docket.

NHTSA will continue to file relevant information as it becomes available in the docket after the closing date. It is therefore recommended that interested persons continue to examine the docket for new material.

Those desiring to be notified upon receipt of their comments in the 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.

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

Issued on: January 14, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–1292 Filed 1–14–97; 4:28 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 011397D]

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service, (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearing; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will