

**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. 98-154, adopted August 19, 1998, and released August 28, 1998. 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 contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 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. 98-23749 Filed 9-2-98; 8:45 am]

BILLING CODE 6712-01-U

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[MM Docket No. 98-155, RM-9082, RM-9133]

**Radio Broadcasting Services; Alva, Mooreland, Tishomingo, Tuttle and Woodward, OK**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on two interrelated petitions filed by FM 92 Broadcasters, Inc. seeking the allotment of Channel 261C1 to Mooreland, OK, as the community's first local aural service, and the substitution of Channel 228A for Channel 261C1 at Woodward, OK and

the modification of Station KWFX(FM)'s license to specify operation on the Class A channel. Ralph Tyler seeks the reallocation of Channel 259C3 from Tishomingo, OK to Tuttle, OK, as the community's first local aural service, and the modification of Station KTSH's license accordingly. To accommodate the allotment at Tuttle, Tyler also requests the substitution of Channel 292C1 for Channel 260C1 at Woodward, OK, the modification of Station KWFX(FM)'s license accordingly, and the substitution of Channel 260C1 for Channel 259C1 at Alva, OK, and the modification of Station KXLS(FM)'s license accordingly. Channel 260C1 can be allotted to Alva at Station KXLS's licensed transmitter site, at coordinates 36-35-41 NL; 98-15-38 WL. Channel 292C1 or Channel 228A can be allotted to Woodward at Station KWFX's licensed transmitter site, at coordinates 36-25-42; 99-24-10. as well as at the transmitter site set forth in its pending application (BPH-970811IC). Channel 283C1 can be allotted to Mooreland with a site restriction of 9.3 kilometers south (5.8 miles), at coordinates 36-21-24; 99-13-37, to avoid a short-spacing to Station KTCM, Channel 262C2, Kingman, Kansas. Channel 259C3 can be allotted to Tuttle with a site restriction of 9.3 kilometers (5.8 miles) east, at coordinates 35-17-33; 97-42-58, to accommodate Tyler's desired transmitter site.

**DATES:** Comments must be filed on or before October 19, 1998, and reply comments on or before November 3, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kathryn R. Schmeltzer, Kevin M. Walsh, Fisher Wayland Cooper Leader & Zaragoza, L.L.P., 2001 Pennsylvania Avenue, NW, Washington, DC 20006 (Counsel to FM 92); Gary S. Smithwick, Smithwick & Belendiuk, P.C., 1990 M Street, NW, Suite 510, Washington, DC 20036 (Counsel to Tyler).

**FOR FURTHER INFORMATION CONTACT:**

Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making and Orders to Show Cause, MM Docket No. 98-155, adopted August 19, 1998, and released August 28, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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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. 98-23750 Filed 9-2-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 572**

[Docket No. NHTSA-98-3972, Notice 2]

RIN 2127-AG76

**Anthropomorphic Test Dummy; Occupant Crash Protection**

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

**ACTION:** Notice of proposed rulemaking; Correction and clarification.

**SUMMARY:** This document corrects and clarifies a notice of proposed rulemaking published in the **Federal Register** (63 FR 35170) on June 29, 1998, concerning a new, more advanced 6-year old child dummy. The document makes technical corrections in the proposed specifications for the neck assembly calibration tests, corrects and clarifies that digital patterns and molds are not part of the proposed specifications for the dummy, and announces that the draft SAE user's manual for this dummy has been placed in the docket.

**FOR FURTHER INFORMATION CONTACT:** For nonlegal issues: Stan Backaitis, Office of

Crashworthiness Standards (telephone: 202-366-4912). For legal issues: Edward Glancy, Office of the Chief Counsel (202-366-2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

**SUPPLEMENTARY INFORMATION:** On June 29, 1998, NHTSA published in the **Federal Register** (63 FR 35170) a notice of proposed rulemaking (NPRM) to amend 49 CFR Part 572 by adding design and performance specifications for a new, more advanced 6-year old child dummy. This dummy is part of the family of Hybrid III test dummies, and is called the Hybrid III 6-year-old child dummy (hereafter referred to as the H-III6C dummy). Since publishing that document, the agency has become aware of a need to make certain corrections and clarifications.

First, at a Society of Automotive Engineers Hybrid III Dummy Family Task Group meeting held on August 13, 1998 in Detroit, Michigan, certain statements in the NPRM that warranted clarification or correction were identified. One of these concerned the way moments (Nm) were specified in the proposed neck assembly calibration tests (proposed § 572.123(b)(1) and (b)(2)). The proposed language for both the flexion and extension tests stated that, during certain rotation intervals, "the moment measured by the neck transducer" about the occipital condyles must be within a specified range. The reference to "moment" should have referred to "peak moment." Thus, once the moment reaches the lower limit of the specified range, it would be permitted to drop below that limit, while still within the rotation corridor, without failing the calibration specification.

The agency was also advised of an incomplete specification in the proposed range of rotation for the extension test (§ 572.123(b)(1)). The upper value for that range was inadvertently omitted. It should have been 106 degrees.

Second, in reviewing a separate request from a dummy manufacturer for digital patterns and molds for the proposed dummy, the agency recognized an error in the June 29, 1998 NPRM. The NPRM incorrectly indicated that the specifications for the proposed H-III6C would include the digital patterns and molds. The agency has not in the past made patterns and molds part of the Part 572 specifications for the various dummies but instead, where available, has provided them to the public solely as a manufacturing aid, and referenced that availability in Part

572. In order to meet the specifications of Part 572, a dummy must be consistent with the drawings and meet calibration tests, but need not be made using any specific patterns and molds. The agency wishes to correct and clarify that digital patterns and molds are not part of the proposed specifications for the dummy. NHTSA also notes that it does not possess such digital patterns and molds.

That same dummy manufacturer also requested a copy of the user's manual for the H-III6C dummy. In the June 29 NPRM, the agency stated that the user's manual would not be available until the time of the final rule. However, NHTSA has now placed in the docket<sup>1</sup> the draft SAE user's manual for the dummy. The agency will consider the draft SAE user's manual in developing the final rule. NHTSA may, however, prepare its own user's manual in connection with the final rule. Commenters are invited to address which items included in the draft SAE user's manual may be appropriate and necessary for incorporating into Part 572, and whether any additional items are needed.

Accordingly, for the reasons discussed above, in FR Doc. 98-17138 published on June 29, 1998 (63 FR 35170) make the following corrections.

#### **PART 572—ANTHROPOMORPHIC TEST DEVICES**

1. The authority citation for part 572 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.

#### **Subpart N—Hybrid III 6-year-Old Child**

2. Section 572.120 as proposed to be added at 63 FR 35172 is revised to read as follows:

##### **§ 572.120 Incorporation by reference.**

(a) The following materials are hereby incorporated in subpart N by reference:

(1) A drawings and specifications package entitled "Drawings and Specifications for the Hybrid III 6-Year-Old Dummy (May 1998)";

(2) A user's manual entitled "User's Manual for the Hybrid III 6-Year-Old Dummy [a date will be inserted in the final rule]";

(3) SAE Recommended Practice J211, Rev. Mar95 "Instrumentation for Impact Tests";

<sup>1</sup> Since this item is non-scannable, it cannot be placed in the DOT Dockets Management System (DMS). Instead, a statement indicating where it may be viewed, i.e., in NHTSA's docket, has been placed in the DMS.

(4) SAE J1733 of 1994-12, "Sign Convention for Vehicle Crash Testing."

(5) The Director of the Federal Register approved those materials incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the materials may be inspected at NHTSA's Docket Section, 400 Seventh Street S.W., room 5109, Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(b) The incorporated materials are available as follows:

(1) The drawings and specifications package referred to in paragraph (a)(1) of this section and the user's manual referred to in paragraph (a)(2) of this section are available from Reprographic Technologies, 9000 Virginia Manor Road, Beltsville, MD 20705 (301) 419-5070.

(2) The SAE materials referred to in paragraphs (a)(3) and (a)(4) of this section are available from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

3. Section 572.121 as proposed to be added at 63 FR 65173 is revised to read as follows:

##### **§ 572.121 General description.**

(a)(1) The Hybrid III 6-year-old dummy consists of the components and assemblies that are described by "Drawings and Specifications for the Hybrid III 6-Year-Old Dummy (May 1998)." The complete assembly of the dummy is shown in drawing 127-0000. The component assemblies, and their drawing numbers, are listed in the following Table A:

TABLE A

Component assembly	Drawing No.
Head Assembly .....	127-1000
Neck Assembly .....	127-1015
Upper Torso Assembly .....	127-2000
Lower Torso Assembly .....	127-3000
Leg Assembly .....	127-4000
Arm Assembly .....	127-5000

(2) These drawings, and all other drawings referred to in this subpart by the term "drawing" followed by a number, are contained in "Drawings and Specifications for the Hybrid III 6-Year-Old Dummy (May 1998)."

(b) Disassembly, inspection, and assembly procedures are set forth in "User's Manual for the Hybrid III 6-Year-Old Dummy [a date will be inserted in the final rule]".

(c) Adjacent segments are joined in a manner such that except for contacts existing under static conditions, there is no contact between metallic elements

throughout the range of motion or under simulated crash impact conditions.

(d) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after its use in any test similar to those specified in Standard No. 208, *Occupant Crash Protection* and Standard No. 213, *Child Restraint Systems*.

4. Section 572.123(b)(1) and (2) as proposed to be added at 63 FR 35173 are revised to read as follows:

**§ 572.123 Neck assembly and test procedure.**

\* \* \* \* \*

(b) \* \* \*

(1) Flexion. Plane D referenced in Figure N2, shall rotate in the direction of preimpact flight with respect to the pendulum's longitudinal centerline not less than 74 degrees and not more than 92 degrees. During this rotation interval, the peak moment measured by the neck transducer (drawing SA-572 S11) about the occipital condyles shall not be less than 27Nm (19.9 ft-lb) and not more than 33 Nm (24.3 ft-lb). The moment shall be calculated by the following formula:  $Moment (Nm) = My - (0.01778m) \times (Fx)$ . The positive moment shall decay for the first time to 5 Nm between 103 ms and 123 ms.

(2) Extension. Plane D referenced in Figure N3, shall rotate in the direction of preimpact flight with respect to the pendulum's longitudinal centerline not less than 94 degrees and not more than 106 degrees. During this rotation interval, the peak moment measured by the neck transducer (drawing S-572 S11) about the occipital condyles shall not be more than -19 Nm (-14 ft-lb) and not less than -24 Nm (-17.7 ft-lb). The moment shall be calculated by the following formula:  $Moment (Nm) = My - (0.01778m) \times (Fx)$ . The negative moment shall decay for the first time to -5 Nm between 127 ms and 147ms.

\* \* \* \* \*

Issued on: August 31, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 98-23794 Filed 9-2-98; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 572**

[Docket No. NHTSA-98-4283]

RIN 2127-AG66

**Anthropomorphic Test Dummy; Occupant Crash Protection**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to amend 49 CFR Part 572 by adding design and performance specifications for a new dummy whose height and weight are representative of a fifth percentile female adult. This new dummy, which is part of the family of Hybrid III test dummies, could be used to accurately assess the potential for injuries to small women, particularly those who sit close to an air bag. The new dummy is especially needed to ensure that air bags protect small women in frontal crashes and to minimize the risk from air bags during those crashes. The dummy would also provide a means of gathering useful information in a variety of crash environments to better evaluate vehicle safety. The issue of amending various safety standards to specify use of the dummy in determining compliance with the performance requirements of those standards, e.g., the agency's occupant protection standard, will be addressed in other rulemakings, particularly the agency's advanced air bag rulemaking for which an NPRM will be published later this year. The agency is also proposing to remove the current requirement that test dummies remain undamaged at the conclusion of a compliance test. It plans to apply this change to other test dummies in subsequent rulemakings.

**DATES:** Comments must be received by December 2, 1998.

**ADDRESSES:** Comments should refer to the docket number, and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590 (Docket hours are from 10:00 a.m. to 5:00 p.m.)

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues: Stan Backaitis, Office of Crashworthiness Standards, (telephone: 202-366-4912). For legal issues: Rebecca MacPherson, Office of the Chief Counsel (202-366-2992). Both can be reached at the National Highway Traffic Safety Administration, 400

Seventh St., S.W., Washington, DC, 20590.

**SUPPLEMENTARY INFORMATION:** Recent air bag fatalities and injuries in low speed crashes to small female drivers seated close to the deploying air bag have raised serious concerns about the safety of air bags for this portion of the population.<sup>1</sup> One way to evaluate the risks associated with air bag systems is through the use of human mechanical surrogates with a high degree of biofidelity such as the family of Hybrid III-type crash test dummies. The desirability of a fifth percentile adult female dummy has been apparent for a number of years; however, the need for such a dummy has become more urgent with the emergence of potential safety problems that some of the current driver-side air bags may pose for small statured females. During the March 1997 NTSB hearing on the safety of air bag systems, several industry commenters addressed the need to revise FMVSS No. 208, *Occupant Crash Protection*, by adopting new test procedures and test devices and by assessing the safety of the occupant protection systems with suitable injury assessment criteria. The commenters noted that the Hybrid III-type fifth percentile female dummy has been used by industry for research purposes for several years and asserted that there was no reason not to use the dummy in air bag certification programs.

The fifth percentile adult female dummy (H-III5F) is part of a family of Hybrid III-type dummies. The first Hybrid III dummy was a 50th percentile male dummy. NHTSA has specified use of that dummy for compliance testing under FMVSS No. 208, since 1986, initially on an optional basis, and more recently on a mandatory basis. The second dummy, the six-year-old child, was the subject of an NPRM published on June 28, 1998 (63 FR 35170). The need for a family of Hybrid III-type dummies having considerably improved biofidelity and anthropometry was recognized by the Centers for Disease Control and Prevention (CDC) in 1987 when it awarded a contract to Ohio State University under the title "Development for Multi-Sized Hybrid III Based Dummy Family." Development of the H-III5F has continued since then

<sup>1</sup> Distance from the air bag is the primary factor leading to serious injury or fatality. Several factors can lead to an individual being too close to the air bag at the time of deployment, including failure to wear a safety belt. Nevertheless, very small-statured women appear to constitute the largest segment of the population that may not be able to sit a safe distance from the air bag, even when properly restrained. Additionally, differences in body size may lead to more severe injury for a small-statured woman than for an unrestrained average-size male.