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.

[FR Doc. 97–22117 Filed 8–25–97; 8:45 am]

BILLING CODE 6712–01–P

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

sled test alternative will be available for vehicles manufactured before September 1, 2001. That date was selected because the agency expected that the vehicle manufacturers will be able by then to provide more advanced air bags that will address these problems.

In early April 1997, AAMA advised the agency that its member companies had discovered that certain provisions in Standard No. 203, *Impact protection for the driver from the steering control system,* and Standard No. 209, *Seat belt assemblies,* could prevent or substantially delay depowering. Each of those other standards specified an exclusion from certain requirements for vehicles certified to meet Standard No. 208's barrier crash test requirements. Thus, neither exclusion would be available for a vehicle which was certified to Standard No. 208's alternative sled test requirement.

In an interim final rule published in the **Federal Register** (62 FR 26425) on May 14, 1997, the agency amended Standard No. 208, so that the exclusions in these two other standards would also be available for vehicles certified to the sled test. NHTSA explained that this action was necessary to prevent a delay in depowering, and also solicited comments on the amendment. The agency noted that because there had not been a prior opportunity for comment, it was limiting application of the interim final rule to vehicles manufactured before September 1, 1998. However, NHTSA explained that it contemplated making the amendment apply for the same duration as the depowering amendment, i.e., for vehicles manufactured before September 1, 2001.

In the May 1997 notice, NHTSA noted that neither it nor the commenters on the depowering proposal had identified the issue of whether the exclusions in Standards No. 203 and 209 should be available for vehicles certified to the alternative sled test requirement. The agency had, however, made it clear in the depowering rulemaking that it believes it is critical to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively.

In the May 1997 notice, NHTSA stated that it does not want the vehicle manufacturers to face any unnecessary impediments to depowering and, in that context, considered whether the exclusions in Standards No. 203 and 209 should be made available for vehicles certified to the alternative sled test requirement. The agency provided analysis in that notice for each of the two standards, as part of its decision to extend the availability of the exclusions.

In July 1997, AAMA advised the agency that its member companies had discovered that a similar provision in Standard No. 201, *Occupant protection in interior impact,* could also prevent or substantially delay depowering. That provision specifies a special, less stringent test requirement for vehicles which meet Standard No. 208's barrier crash test requirements by means of an air bag. The special requirement would thus not apply to a vehicle which was certified to Standard No. 208's alternative sled test requirement.

Just as NHTSA decided to issue an interim final rule amending Standard No. 208 so that the exclusions in Standard Nos. 203 and 209 would also be available for vehicles certified to the sled test, it is taking similar action with respect to the special, less stringent test requirement set forth in Standard No. 201. The agency believes that the Standard No. 201 situation mirrors those involving the other two standards. NHTSA's analysis for Standard No. 201 is set forth below.

Standard No. 201 specifies a number of requirements to provide impact protection for occupants. One of the requirements concerns instrument panels. The standard generally requires that when specified portions of the instrument panel are impacted by a head form at 15 mph, the deceleration of the head form must not exceed 80 g continuously for more than 3 milliseconds. To comply with this requirement, vehicle manufacturers install energy absorbing materials. The use of these materials can prevent or reduce the severity of chest and head injuries resulting from contacts with the instrument panel.

In June 1991, NHTSA published a final rule amending Standard No. 201 to specify a special, less stringent test requirement for vehicles equipped with passenger air bags. 56 FR 26036; June 6, 1991. The final rule reduced the velocity specified in the head form test for these vehicles from 15 mph to 12 mph.

The purpose of the June 1991 final rule was to facilitate the introduction of more effective air bag designs, and provide an incentive for the increased use of passenger-side air bags. (This final rule was issued before Congress enacted the Intermodal Surface Transportation Efficiency Act of 1991, which directed NHTSA to amend Standard No. 208 to require air bags.) Vehicle manufacturers had provided information showing that Standard No. 201's existing 15 mph head form requirement created problems in designing top-mounted, upward-deploying passenger air bags. Manufacturers had also identified a number of benefits from installation of this type of air bag, including reduced risk of injury to out-of-position occupants or standing children. However, the final rule was not limited to passenger air bags with upward-deploying systems, as the agency wanted to allow manufacturers wide latitude in innovation for all passenger air bags.

NHTSA believes that the rationale for Standard No. 201's special, less stringent test requirement for vehicles equipped with passenger air bags and certified to Standard No. 208's barrier test is equally applicable to vehicles certified to the alternative sled test. The concern about the need to meet Standard No. 201's 15 mph head form test interfering with the design of passenger air bags, especially top-mounted, upward-deploying systems, would not differ depending on whether an air bag is depowered or not. Moreover, the need to meet the 15 mph requirement would interfere with depowering.

Vehicle manufacturers presumably test their air-bag-equipped vehicles to Standard No. 201's 12 mph head form requirement, rather than the 15 mph requirement, based on the current special requirement. Thus, the manufacturers do not know whether their vehicles would pass the more stringent requirement.

If the special requirement were not extended to vehicles certified to the alternative sled test, the vehicle manufacturers would need to conduct significant testing to determine whether those vehicles could comply with the 15 mph requirement. To the extent that a vehicle could not comply, the manufacturer would then need to determine whether it was possible to make design changes to achieve compliance. All of this would result in significant delays to depowering.

The agency also notes that the purposes of the depowering amendment and the special requirement in Standard No. 201 are complementary. While the depowering amendment was intended to facilitate quick action to address the problem of deaths and injuries to out-of-position occupants, the special requirement in Standard No. 201 was intended, in part, to facilitate the use of passenger air bag designs that reduce the risk of injury to out-of-position occupants or standing children. A failure to extend the special requirement in No. 201 to vehicles certified to the alternative sled test could result in the perverse effect of discouraging air bag

designs that reduce the risk of injury to out-of-position occupants or standing children.

NHTSA finds that the issuance of this interim final rule without prior opportunity for comment is necessary in view of the fact that depowering would be significantly delayed if the standard were not amended. For the same reason, the agency finds for good cause that it is in the public interest to establish an immediate effective date for this amendment. The amendment imposes no new requirements but instead provides additional flexibility to manufacturers by removing a design restriction.

NHTSA is requesting comments on this amendment. Because there has not been a prior opportunity for comment, the agency is limiting application of this interim final rule to vehicles manufactured before September 1, 1998. However, NHTSA contemplates making the amendment apply for the same duration as the depowering amendment, i.e., for vehicles manufactured before September 1, 2001. The agency will announce a final decision as soon as possible after the comment closing date.

Rulemaking Analyses and Notices

A. 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 ''nonsignificant'' under the Department of Transportation's regulatory policies and procedures. The amendment does not impose any new requirements but simply ensures that the vehicle manufacturers do not face previously unidentified impediments in depowering air bags. The agency concludes that the impacts of the amendment are so minimal that a full regulatory evaluation is not required. Readers who are interested in the costs and benefits of depowering are referred to the agency's regulatory evaluation for that rulemaking action, which remains valid.

B. Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) I hereby certify that the interim final rule will not have a significant economic impact on a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The interim final rule would primarily affect passenger car and light truck manufacturers and manufacturers of air bags. The Small Business Administration's regulations at 13 CFR Part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)).

SBA's size standards are organized according to Standard Industrial Classification Codes (SIC). SIC Code 3711 ''Motor Vehicles and Passenger Car Bodies'' has a small business size standard of 1,000 employees or fewer. SIC Code 3714 ''Motor Vehicle Parts and Accessories'' has a small business size standard of 750 employees or fewer. NHTSA believes air bag manufacturers would fall under SIC Code 3714.

For passenger car and light truck manufacturers, NHTSA estimates there are at most five small manufacturers of passenger cars in the U.S. Because each manufacturer serves a niche market, often specializing in replicas of ''classic'' cars, production for each manufacturer is fewer than 100 cars per year. Thus, there are at most five hundred cars manufactured per year by U.S. small businesses.

In contrast, in 1996, there are approximately nine large manufacturers manufacturing passenger cars and light trucks in the U.S. Total U.S. manufacturing production per year is approximately 15 to 15 and a half million passenger cars and light trucks per year. NHTSA does not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production per year.

For air bag manufacturers, NHTSA does not believe that there are any small manufacturers of air bags. A separate subsidiary (of a large business) set up to manufacture air bags would not be considered a small business because of SBA's affiliation rule under 13 CFR 121.103.

The amendment does not impose any new requirements but simply ensures that the vehicle manufacturers do not face previously unidentified impediments in depowering air bags. NHTSA also notes that the cost of new passenger cars or light trucks would not be affected by the interim final rule.

C. Paperwork Reduction Act

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

D. National Environmental Policy Act

NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

E. Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

F. Civil Justice Reform

This rule does 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.

Comments

Interested persons are invited to submit comments on this document. 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 the 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 NHTSA 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 by NHTSA before the close of business on the

comment closing date indicated above 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 this rulemaking action will be considered as suggestions for further rulemaking action. Comments on the document 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 recommends 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, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues 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 571.208 is amended by revising S3 to read as follows:

§ 571.208 Standard No. 208, Occupant crash protection.

* * * * *

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. In addition, S9, *Pressure vessels and explosive devices,* applies to vessels designed to contain a pressurized fluid or gas, and to explosive devices, for use in the above types of motor vehicles as part of a system designed to provide protection to occupants in the event of a crash. Notwithstanding any language to the contrary, any vehicle manufactured after March 19, 1997 and before September 1, 2001 that is subject to a dynamic crash test requirement conducted with unbelted dummies may meet the requirements specified in S13 instead of the applicable unbelted requirement. For vehicles manufactured before September 1, 1998, compliance with S13 shall, for purposes of Standards No. 201, 203 and 209, be deemed as compliance with the unbelted frontal barrier requirements of S5.1 of this section.

* * * * *

Issued on: August 20, 1997.

Ricardo Martinez,

Administrator.

[FR Doc. 97–22573 Filed 8–25–97; 8:45 am]

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