direction, program development, legal services, and executive direction, as well as support services associated with enforcement activities.

Public Information Services: The publication and dissemination of Commission decisions and actions, and related activities; public reference and library services; the duplication and dissemination of Commission records and databases; the receipt and disposition of public inquiries; consumer, small business, and public assistance; and public affairs and media relations. Includes policy direction, program development, legal services, and executive direction, as well as support services associated with public information activities.

Attachment J—Factors, Measurements and Calculations That Go Into Determining Station Signal Contours and Associated Population Coverages

AM Stations

Specific information on each day tower, including field ratio, phasing, spacing and orientation was retrieved, as well as the theoretical pattern RMS figure (mV/m @ 1 km) for the antenna system. The standard, or modified standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in §§ 73.150 and 73.152 of the Commission's rules. *See* 47 U.S.C. 73.150 and 73.152. Radiation values were calculated for each of 72 radials around the transmitter site (every 5 degrees of azimuth). Next, estimated soil conductivity data was retrieved from a database representing the information in FCC Figure M3. Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the city grade (5 mV/m) contour was predicted for each of the 72 radials. The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

FM Stations

The maximum of the horizontal and vertical HAAT (m) and ERP (kW) was used. Where the antenna HAMSL was available, it was used in lieu of the overall HAAT figure to calculate specific HAAT figures for each of 72 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the propagation curves specified in § 73.313 of the Commission's rules to predict the distance to the city grade (70 dBuV/m or 3.17 mV/m) contour for each of the 72 radials. *See* 47 U.S.C. 73.313. The resulting distance to city grade contours were used to form a geographical polygon. Population counting was accomplished by determining which 1990 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted city grade coverage area.

[FR Doc. 98–8459 Filed 4–1–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–97–2714]

RIN 2127–AG17

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action withdraws the proposed rulemaking which considered allowing partial ejection of the Hybrid III dummy during crash tests under FMVSS No. 208. The NPRM addressing the proposed change was published on August 30, 1996. 61 FR 45927. NHTSA is terminating this rulemaking because it believes full containment is an important safety issue. Additionally while NHTSA was aware that the problem addressed by the petition occurs only in a limited number of vehicles and under limited circumstances before it issued the NPRM, it is now also aware that the problem is now being successfully addressed by vehicle manufacturers. The agency notes that future rulemakings in the area of glazing may provide manufacturers with an opportunity to further correct any partial ejection problems.

FOR FURTHER INFORMATION CONTACT: 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: Ms. Rebecca MacPherson, 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:

Background

On August 18, 1995, the American Automobile Manufacturers Association (AAMA) submitted a petition for rulemaking to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, ''Occupant Crash Protection.'' The petition sought to amend the standard's provisions which currently require that the test dummy must remain within the test vehicle throughout a crash test sequence. AAMA averred that the requirement is impracticable and outdated, stating that it is now widely recognized that air bags are a supplemental restraint system which cannot adequately restrain an unbelted occupant. AAMA also claimed that partial ejections of the test dummies were random and momentary. AAMA requested that S6.1.1 of FMVSS No. 208 be changed from ''[A]ll portions of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test'' to ''[T]he test device shall be within the vehicle passenger compartment at the completion of the test.''

After reviewing AAMA's petition, NHTSA issued an NPRM on August 30, 1996 (61 FR 45927). The agency stated that the question of whether to issue the amendment requested by the petitioner should be decided in the context of a rulemaking proceeding. NHTSA issued several specific requests for information so that it could accurately evaluate both the scope of the problem and whether there were options available other than eliminating the containment requirement in FMVSS No. 208. NHTSA said it would consider options ranging from making no change in the standard to adopting the amendment requested by the petitioner. The agency set forth proposed regulatory text that falls within the middle of the range of options:

> All portions of the test device shall be within the vehicle passenger compartment at the completion of the test. In the case of a test conducted with safety belts fastened, the head of the test device shall be contained within the outer surfaces of the vehicle passenger compartment throughout the test.

NHTSA identified a number of relevant issues and requested information on the

extent of the problems faced by the vehicle manufacturers.

Summary of Comments

Four automobile manufacturers and two safety groups responded to the NPRM. Ford supported NHTSA's proposed amendment to S6.1.1 and S6.2.1, while Suzuki, Volkswagen and General Motors all supported the language suggested by AAMA. Advocates for Highway Safety and the Insurance Institute for Highway Safety (IIHS) both opposed the change suggested in the NPRM, although IIHS agreed that some loosening of the containment requirement may be advisable.

Volkswagen said that it has had no problems meeting FMVSS No. 208's current containment criteria. It also stated, however, that it is concerned that compliance problems may arise in the future which could require countermeasures which may not be in the best interest of overall vehicle safety. Suzuki stated that it has occasionally experienced problems with dummy containment, but only when the window is open. Suzuki maintains that changing the containment requirement will eliminate the need to test vehicles twice to assure that the containment requirement is met, once with the windows open (to aid in filming) and once with the windows closed (to confine the dummy). Suzuki would like to see the current standard changed so that it could eliminate testing redundancy.

Ford and GM both responded that they have had containment problems which have required countermeasures, primarily with light truck and vans (LTVs). Ford said that it has not had any problems with dummy containment in its passenger cars. GM reported that the problems that it encountered with its passenger cars have been resolved by closing the car windows. Both Ford and GM said they have experienced problems with their LTVs that have required more extensive corrective measures. Apparently, all problems with the LTVs are the result of the window glass breaking, allowing partial ejection.

According to Ford, all of its concerns relate to the unbelted dummy condition in the angular barrier test. Ford stated that its difficulty with its light trucks has been due to their higher seating position relative to the beltline and shorter front ends which lead to door deformation and resulting glass breakage. Ford also suggested that it believes the shoulder joint of the Hybrid III dummy was non-biofidelic and was responsible for some of its problems. Ford stated that it has been able to resolve these problems through various means which prevent glass breakage and a reduction of the dummy's lateral velocity.

GM stated it has experienced dummy containment problems largely during unbelted, angle impact testing, although it also indicated that problems have been noted during belted driver dummy rebound in angled impacts. GM has confidentially provided the agency with a discussion of the problems they have encountered as well as their methods of resolving those problems.

Decision To Withdraw

NHTSA has decided to withdraw this rulemaking because it does not believe there is a current justification for reducing this important safety requirement. Retention of the requirement is important since the requirement addresses partial ejection. An analysis of the Fatal Analysis Reporting System (FARS) from 1992 to 1996 indicates that partial ejection remains a significant safety problem. FARS indicates that, in that five year period, a partial ejection was involved in 8,234 fatalities. NHTSA cannot determine how many of these individuals would have survived their injuries had they not been partially ejected. During that same period, FARS reveals that in crashes involving at least one fatality, 1,103 people were partially ejected and suffered an incapacitating injury, while only 351 partially ejected people suffered a non-capacitating injury. An analysis of the General Estimate System (GES) for 1995 and 1996 [1] indicates that approximately 2,000 individuals who were partially ejected from a passenger vehicle suffered an incapacitating injury and approximately 1,000 people suffered non-incapacitating injuries.

Only Ford and GM expressed any problem with meeting the dummy containment criteria. Both of these companies have reported that they have been able to resolve their problems through various means.

Based on the manufacturers' comments to the NPRM, NHTSA does not believe that the partial ejections in the compliance tests noted by manufacturers in those comments support the concerns raised in the AAMA petition. AAMA contended that the partial ejections are random. If the partial ejections in compliance tests were truly random, manufacturers should not have been able to successfully address those ejections. Likewise, AAMA's contention that the dummy containment requirement is outdated since air bags are a supplemental restraint system has been contradicted by the information supplied by manufacturers, i.e., information indicating that GM is having some containment problems with belted dummies.

To the extent that dummy containment problems are thought to be due to a non-biofidelic shoulder on the Hybrid III dummy, either manufacturer can file a petition for rulemaking on that issue. Ford had previously filed such a petition which was denied due to a lack of supporting data. Ford indicated in response to the NPRM that it has since generated that data.

As noted above, NHTSA believes that partial ejection of vehicle occupants remains a serious safety problem. Accordingly, the agency has embarked on several safety initiatives since the promulgation of the NPRM which may result in the development of countermeasures that will aid manufacturers in addressing dummy containment issues both in the context of FMVSS No. 208 and in the real world. Objective 6B of the agency's Strategic Execution Plan states that NHTSA will improve the crash protection performance of motor vehicles for occupants, pedestrians, and cyclists through research and engineering standards. Its first milestone under this objective is to assess the need and develop procedures for ejection-mitigating vehicle improvements, including glazing, door latch integrity, and restraints, in front, side, and rear crashes.

Based on the above discussion, the agency has decided that it is in the best interests of safety to withdraw this rulemaking.

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

Issued: March 26, 1998.

L. Robert Shelton,

Associate Administrator for Performance Safety Standards.

[FR Doc. 98–8451 Filed 4–1–98; 8:45 am]

BILLING CODE 4910–59–P

[1] Prior to 1995, the GES data collection system did not distinguish ejections between total ejections and partial ejections.