second comment period on this action. Any parties interested in commenting on this action should do so at this time. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn in the manner described here.

DATES: Comments must be received in writing by July 29, 1998.

ADDRESSES: Written comments on this action should be addressed to David Campbell, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: David Campbell, (215) 566–2196, at the EPA Region III office or via e-mail at campbell.dave@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: See the information pertaining to this action, VOC RACT determinations for individual sources located in Pennsylvania, provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: May 13, 1998.

William Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 98–17118 Filed 6–26–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 98–94; FCC 98–118]

Testing New Technologies

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: On June 11, 1998, the Federal Communications Commission released a Notice of Inquiry to solicit public comment about the effects of existing Title II regulations on experiments involving advanced telecommunications technology conducted by firms subject to those regulations. The document, part of the Commission's 1998 biennial regulatory review, seeks comment about various initiatives the Commission could undertake in order to promote technology testing, including use of the Commission's biennial review power to repeal or modify regulations, and, alternatively, use of the Commission's authority to forbear from applying certain statutory provisions and Commission rules.

DATES: Comments are due on or before July 21, 1998. Reply comments are due on or before August 5, 1998.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Suite 222, Washington, DC 20554, with a copy to Scott Bergmann of the Common Carrier Bureau, Federal Communications Commission, 2033 M Street, NW, Suite 500, Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS), 1231 20th St., NW, Washington, DC 20036, (202) 857–3800.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief of the Industry Analysis Division, Common Carrier Bureau, at (202) 418–0952, or Scott K. Bergmann, Industry Analysis Division, Common Carrier Bureau, at (202) 418–7102.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry released June 11, 1998 (FCC 98–118). The full text of this Notice of Inquiry is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, Washington, DC 20554. The complete text also may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (202) 857–3800, 1231 20th St., NW, Washington, DC 20036.

Summary of the Public Notice

1. In the Notice of Inquiry (Notice), the Commission solicits public comment about the effects of its existing Title II regulations on experiments involving advanced telecommunications technology conducted by firms subject to these regulations. The inquiry is based on the Commission's belief that experiments involving new technology, including technical trials and market trials, are a critical step in the process of introducing new services that benefit the public. The Commission seeks to ensure that its regulation does not unnecessarily discourage applicants from conducting experiments involving new technology and new applications of existing technology. The Commission seeks comment on ways in which it may redesign its regulation in order to encourage and facilitate such tests.

2. Section 7 of the Communications Act of 1934, as amended (the Communications Act or the Act), states that it is ''the policy of the United States to encourage the provision of new technologies and services to the public.'' More recently, Congress reinforced section 7 by adding section 706 of the Telecommunications Act of 1996. Section 706(a) encourages the deployment of advanced telecommunications services by directing the Commission to ''encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans * * * by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.'' Pursuant to these congressional directives, the Notice seeks public comment about a broad range of issues relating to the Commission's regulation of technology testing.

3. Pursuant to new section 11, Congress has required the Commission to conduct a biennial review of regulations that apply to operations or activities of any provider of telecommunications service and to repeal or modify any regulation it determines to be ''no longer necessary in the public interest.'' Accordingly, the Commission has begun a comprehensive 1998 biennial review of telecommunications and other regulations to promote ''meaningful deregulation and streamlining where competition or other considerations warrant such action.'' The Notice is thus undertaken in conjunction with the Commission's 1998 biennial regulatory review and in it the Commission asks, *inter alia,* whether and how the Commission can apply its section 11 deregulatory and streamlining mandate to remove or restructure existing regulations in order to promote technology testing.

4. Alternatively, the Commission asks in the Notice whether it should and can

use its new forbearance authority to accomplish the same goal. New section 10 of the Communications Act requires the Commission to forbear from applying sections of the Act and its regulations to carriers and services upon satisfying a stated three-part test. Telecommunications carriers and classes of telecommunications carriers may file applications seeking such forbearance treatment. The Notice seeks comment on whether the Commission should undertake specific efforts to encourage or promote such forbearance applications relating to technology testing or, alternatively, should define a class of experimental services that would qualify for forbearance treatment.

5. The Commission does not, however, limit the record of this proceeding to those alternatives. Rather, the Commission encourages commenters to offer any and all relevant and helpful suggestions to promote technology testing by regulated companies. Well-considered proposals to eliminate or streamline regulations governing technology testing would further the Commission's on-going pro-competition and pro-consumer regulatory mandate. In the last few decades, the telecommunications industry has experienced radical changes in its technologies, services, and markets. In response to these changes, the Commission has increasingly adopted policies that reflect the view that open entry and competition bring greater benefits to consumers and society than traditional regulation of markets dominated by one or a few carriers. Moreover, Congress in the 1996 Act has advanced this trend by aggressively promoting a new, competition-driven marketplace. New technologies and new applications of existing technologies will be critical in ensuring that the United States benefits from the competitive opportunities they will foster.

6. The Commission seeks comment about the effect of its regulation on experiments involving new technology and on whether affirmative steps are necessary to further encourage and facilitate testing by removing regulatory barriers to such testing. The Commission believes that its regulatory processes should not unduly impede experiments in new technology, and asks commenters in this proceeding to discuss fully how current Commission regulatory practices might tend to promote or frustrate necessary and desirable technology testing. To this end, the Notice asks commenters to address comprehensively those requirements currently imposed pursuant to the Act, including all relevant Commission rules and requirements, on those firms seeking to conduct experiments.

7. For example, under current requirements, depending on the nature of the technology or service to be tested, a firm seeking to conduct technical or market trials might be required to obtain several different approvals, including, *e.g.*, a tariff authorization under section 203, a certificate under section 214, approvals of Comparably Efficient Interconnection (CEI) and Open Network Architecture (ONA) plans under the Computer III rules, a developmental or experimental radio license, as well as, in specific cases, waivers of various Commission rules. All of these rule requirements serve legitimate and, indeed, compelling regulatory ends under certain circumstances. Tariff requirements, for example, are one way to help ensure that ratepayers pay just and reasonable rates and do not suffer from unlawful discrimination. CEI and ONA plans help ensure that carriers do not prefer their own enhanced service operations to the detriment of competitive enhanced service providers. Radio licensing, *inter alia*, prevents radio frequency interference caused by and to co-channel and adjacent channel service providers. The Commission seeks comment regarding whether any existing rule requirements in these areas can be relaxed or avoided in the context of short-term experimental testing of new technology and new applications of existing technology.

8. The Commission asks commenters to develop a specific record on how, from planning and regulatory perspectives, firms engage in experiments, including both technical trials and market trials of services using new technology. For example, commenters should indicate whether carriers must have particular authorizations in place prior to conducting technical or market trials of a service, or whether such authorization is only required prior to the commercial offering of a service. The Commission also seeks comment on the extent to which non-carriers, *i.e.*, equipment manufacturers or vendors, are responsible for technology testing and the extent to which these non-carriers are subject to any of the Commission's requirements in their testing of new technologies.

9. Based on the inquiry described above, the Commission may determine that certain of its common carrier regulations impede testing and experimentation with new technologies and new applications of existing technologies. For that reason, the Commission explores possible alternative approaches to encourage and facilitate technology experiments, namely, using section 11(b) to create streamlined authorization procedures (based on current Part 5 procedures governing wireless test applications) and applying regulatory forbearance under section 10 of the Act to ''carve out'' exceptional treatment for qualified tests. By suggesting these alternatives the Commission does not preclude discussion of others, and encourages commenters to offer any and all relevant and helpful suggestions. The Commission seeks specific comment on the ramifications of allowing technology testing to be conducted through market trials, *i.e.*, trials in which customers pay to obtain the service being tested. The Commission thinks that such market trials can be a useful way to develop ''real world'' information that is relevant to the introduction of new technology. At the same time, the Commission will in every case take steps to ensure that customers—including ratepayers of regulated carriers—do not improperly subsidize technology testing, and the Commission solicits comment on ways to ensure that the costs of such trials continue to be borne by shareholders.

II. Procedural Matters

A. Ex Parte Presentations

10. Pursuant to § 1.1204(b)(1) of the Commission's rules, the proceeding is exempt from the prohibitions and restrictions in the ex parte requirements.

B. Comment Filing Procedures

11. *General.* Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties shall file comments not later than July 21, 1998, and reply comments not later than August 5, 1998. To file formally in the proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and twelve copies. Comments and reply comments should be sent to the Secretary, Federal Communications Commission, 1919 M Street, NW, Room 222, Washington, DC 20554, with copies to: Thomas J. Beers, Common Carrier Bureau, Industry Analysis Division, 2033 M Street, NW, Room 500, Washington, DC 20554; Scott K. Bergmann, Common Carrier Bureau, Industry Analysis Division, 2033 M Street, NW, Room 500, Washington, DC 20554. Parties should file one copy of any documents filed in this docket with the Commission's copy contractor,

International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, NW, Room 239, Washington, DC 20554.

12. *Other requirements.* Comments and reply comments must also comply with § 1.49 and all other applicable sections of the Commission's rules. We also direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments.

13. Commenters may also file informal comments or an exact copy of formal comments electronically via the Internet at: <http:dettifoss.fcc.gov:8080/cgi-bin/ws.exe/beta/ecfs/upload.hts>. Only one copy of electronically filed comments must be submitted. Commenters must note on the subject line whether an electronic submission is an exact copy of formal comments. Commenters also must include their full name and U.S. Postal Service mailing address in their submissions. Further information on the process of submitting comments electronically is available at that location and at <http://www.fcc.gov/e-file>.

14. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to: Ms. Terry Conway, Common Carrier Bureau, Industry Analysis Division, 2033 M Street, NW, Room 500, Washington, DC 20554. Such diskettes should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows software. The diskette should be submitted in ''read only'' mode. The diskette should be clearly labeled with the party's name, proceeding, type of pleading (comment or reply comments) and date of submission. The diskette should be accompanied by a cover letter.

III. Ordering Clauses

15. Accordingly, *it is ordered*, pursuant to sections 1, 4(i), 7, 10, 11, 218 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 157, 160, 161, 218, 403, that notice is hereby given of the inquiry described above and that comment is sought on these issues.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–17079 Filed 6–26–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. NHTSA–98–3972]

RIN 2127–AG76

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, more advanced 6-year-old child dummy. The agency believes that the new dummy, part of the family of Hybrid III test dummies, is more representative of humans than the existing 6-year-old child dummy specified by the agency, and allows the assessment of more types of potential injuries. The new dummy is especially needed to evaluate the effects of air bag deployment on children, but would also provide greater and more useful information in a variety of environments to better evaluate child safety. Adding the dummy to part 572 would be the first step toward using the dummy to evaluate the safety of air bags for children. The issue of specifying use of the dummy in determining compliance with performance test requirements, e.g., as part of the agency's occupant protection standard and/or child restraint standard, will be addressed in future rulemakings.

DATES: Comments must be received by September 28, 1998.

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

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 November 14, 1991, NHTSA published in the **Federal Register** (56 FR 57830) a final rule establishing specifications and performance criteria for a test dummy representing a 6-year-old child. The specifications and performance criteria were set forth as subpart I of 49 CFR part 572. The agency explained that adding the subpart I 6-year-old child dummy to part 572 was a possible first step toward using the dummy to test the compliance of booster seats and other types of child restraint systems as part of Safety Standard No. 213, *Child Restraint Systems.* The agency subsequently added the dummy to Standard No. 213 in a final rule published in the **Federal Register** (60 FR 35126) on July 6, 1995.

In these rulemakings, NHTSA recognized that a more advanced 6-year-old child dummy was under development, and the possible future desirability of adopting such a dummy. In commenting on the agency's proposal to add the subpart I dummy to Standard No. 213, the American Automobile Manufacturers Association (AAMA) suggested that the agency instead add a 6-year-old child dummy based on the 50th percentile male Hybrid III dummy. AAMA stated that this dummy had improved anthropometric emulation, more human-like response, and superior instrumentation capability.

NHTSA explained its decision to adopt the Subpart I 6-year-old child dummy, rather than a more advanced dummy, as follows:

> The issue of whether NHTSA should adopt the Hybrid III 6-year-old dummy instead of the (Subpart I) dummy was addressed in the NPRM and in the rule adopting the 6-year-old dummy specifications into part 572. NHTSA's position has been that, while the Hybrid III dummy might have potential advantages over the (Subpart I) dummy in the number of injury parameters the dummies can measure, rulemaking on the latter dummy should not be delayed pending assessment of the performance of the new dummy. NHTSA stated in the part 572 final rule:
>
> The (Subpart I) dummy's ability to measure HIC, chest acceleration and femur loads, and its ability to replicate the motions and excursions of a child in a crash are sufficient to provide valid assessment of the injury potential of child restraint systems in a reliable manner. Since the (Subpart I) dummy is ready now, and a final rule specifying the dummy will help improve safety, the agency believes it is appropriate to proceed with adding the dummy to part 572.
>
> Likewise, NHTSA believes rulemaking adopting use of a 6-year-old dummy in Standard 213 compliance tests should not be delayed pending evaluation of the suitability and availability of the dummy as a test