produced less than $10.0 million in revenue.[17]

We recognize that the proposed rules may also affect minority and women-owned stations, some of which may be small entities. In 1995, minorities owned and controlled 37 (3.0%) of 1,221 commercial television stations.[18] According to the U.S. Bureau of the Census, 1987 women owned and controlled 27 (1.9%) of 1,342 commercial and noncommercial television stations in the United States.[19] We recognize that the numbers of minority and women broadcast owners may have changed due to an increase in license transfers and assignments since the passage of the Telecommunications Act of 1996. We seek comment on the current numbers of minority and women owned broadcast properties and the numbers of these that qualify as small entities. To assist us with our responsibilities under the Regulatory Flexibility Act, we specifically request comments concerning our assessment of the number of small businesses that will be impacted by this rule making proceeding, the type or form of impact, and the advantages and disadvantages of the impact.

Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives

The proposed rules and policies would apply to full power broadcast television licensees, permittees, and potential licensees. We have proposed to not double count commonly owned stations in the same market and LMAs for the purpose of calculating a licensee's national audience reach. We also propose to eliminate the satellite exemption of licensees that operate a satellite station in a separate market from the parent station. We do not have sufficient information, at this time, to reach a tentative conclusion about the effect of these proposed rules, and seek comment on the potential significant economic impact of these proposals on a substantial number of small stations. We urge parties to support their comments with specific evidence and analysis.

We tentatively conclude that there is not a significant economic impact regarding our proposal to use Designated Market Areas (DMAs) compiled by A.C. Nielsen instead of Arbitron to calculate national audience reach. A.C. Nielsen, like Arbitron, is another commercial ratings service, and they are analytically similar.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–32139 Filed 12–18–96; 8:45 am]

BILLING CODE 6712–01–M

[17] The amount of $10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at $9,999,999 and began at $10,000,000. No category for $10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

[18] *Minority Commercial Broadcast Ownership in the United States,* U.S. Dep't of Commerce, National Telecommunications and Information Administration, The Minority Telecommunications Development Program (MTDP) (April 1996). MTDP considers minority ownership as ownership of more than 50% of the broadcast corporation's stock, have voting control in a broadcast partnership, or own a broadcasting property as an individual proprietor. *Id.* The minority groups included in this report are Black, Hispanic, Asian, and Native American.

[19] *See* Comments of American Women in Radio and Television, Inc. in MM Docket No. 94–149 and MM Docket No. 91–140, at 4 n.4 (filed May 17, 1995), citing 1987 Economic Censuses, *Women-Owned Business,* WB87–1, U.S. Dep't of Commerce, Bureau of the Census, August 1990 (based on 1987 Census). After the 1987 Census report, the Census Bureau did not provide data by particular communications services (four-digit Standard Industrial Classification (SIC) Code), but rather by the general two-digit SIC Code for communications (#48). Consequently, since 1987, the U.S. Census Bureau has not updated data on ownership of broadcast facilities by women, nor does the FCC collect such data. However, we sought comment on whether the Annual Ownership Report Form 323 should be amended to include information on the gender and race of broadcast license owners. *Policies and Rules Regarding Minority and Female Ownership of mass Media Facilities, Notice of Proposed Rulemaking,* 10 FCC Rcd 2788 (1995), 60 FR 6068, (February 1, 1995).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket 96–22; Notice 1]

Federal Motor Vehicle Safety Standards; Head Restraints

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

ACTION: Request for comment; technical report.

SUMMARY: This document requests comments about a NHTSA Technical Report titled, ''Head Restraints—Identification of Issues Relevant to Regulation, Design, and Effectiveness.'' The report discusses Federal Motor Vehicle Safety Standard No. 202, *Head Restraints*, and its history, previous evaluations of Standard No. 202 and head restraint effectiveness, biomechanics of neck injury and related research, current whiplash rates, occupant/head restraint positioning, insurance industry evaluation, European standards, and future designs. The report also identifies questions which, if answered may lead to improvement in head restraint effectiveness through modifying Standard No. 202. These questions are repeated in this document. The agency invites the public to comment on the report; answer the questions listed in this notice; and make any other comments relevant to the regulation, design and effectiveness of head restraints.

DATES: Comments must be received no later than March 19, 1997.

ADDRESSES: All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW, Washington DC 20590. [Docket hours, 9:30 a.m.–4:00 p.m., Monday through Friday.]

FOR FURTHER INFORMATION CONTACT: Louis Molino, Office of Crashworthiness Standards, Light Duty Vehicle Division, NPS–11, NHTSA, 400 Seventh Street, SW, Washington, DC 20590 (Phone: 202–366–2264; Fax: 202–366–4329; E-mail: lmolino@nhtsa.dot.gov).

SUPPLEMENTARY INFORMATION:

Background

Since January 1, 1969 passenger cars have been required by Federal Motor Vehicle Safety Standard No. 202 to have head restraints in the front outboard seating positions. Head restraints must either (a) be at least 27.5 inches above the seating reference point in their highest position and not deflect more than 4 inches under a 120 pound load, or (b) limit the relative angle of the head and torso of a 95th percentile dummy to not exceed 45 degrees when exposed to an 8 g acceleration. Standard No. 202 was extended to light trucks and vans under 10,000 pounds on September 1, 1991.

In 1982, the National Highway Traffic Safety Administration (NHTSA) reported the effectiveness of integral and adjustable restraints at reducing neck injuries in rear impacts was 17 and 10 percent, respectively. The difference was due to integral restraints being higher with respect to the occupant's head than adjustable restraints, which are normally left down. The agency concluded that head restraints were a cost effective safety device.

In 1995, the Insurance Institute for Highway Safety (IIHS) evaluated the head restraints of 164 vehicles based on

their position relative to the H-point. Scores were reduced for adjustable restraints under the assumption that they typically are not adjusted properly. Eight percent of restraints were given an acceptable or better rating. Twenty-one percent were rated marginal and 71 percent were rated as poor.

NHTSA Report

The current NHTSA report attempts to identify and explore issues relevant to the regulation, design, and effectiveness of head restraints. The report discusses Standard No. 202's history, previous evaluations of the Standard and head restraint effectiveness, biomechanics of neck injury and related research, current whiplash rates, occupant/head restraint positioning, insurance industry evaluation, European standards, and future designs.

The agency hopes the report will generate a dialogue about head restraints. The information gained from this dialogue may be used to determine if Standard No. 202 needs to be modified, and if so, in what way.

NHTSA welcomes public review of the technical report and invites the reviewers to submit comments about the data and information contained therein. Reviewers are also encouraged to submit information to supplement the report and other comments relevant to the regulation, design and effectiveness of head restraints. To aid the agency in acquiring the information it needs from its partners, NHTSA is including a list of questions. For ease of reference, the questions are numbered consecutively. NHTSA encourages commenters to provide specific responses for each question for which they may have information or views. In addition, to facilitate tabulation of the written comments, please identify the number of each question to which you are responding. NHTSA requests the commenters provide as specific a rationale as possible for any position they are taking, including an analysis of safety consequences.

1. Are existing head restraints sufficient in preventing neck injuries in rear impacts? How can head restraints and seating systems be improved to reduce neck injuries? What means should be used to measure improvements?

2. Is Standard No. 202's height requirement of at least 27.5 inches sufficient? Should there be a requirement for the horizontal distance between the head and head restraint? Should adjustable head restraints have to lock in position?

3. If the Standard No. 202 height requirement is changed, should the performance requirement for the alternate 8 g dynamic test procedure be changed to maintain equivalence between the compliance options? Is a dynamic test procedure a necessity for active head restraints? Is the current knowledge base in neck injury criteria sufficient to extend the performance requirements of the dynamic procedure? Would changes to the Hybrid III neck have to be made?

4. In the past the agency has received comments opposing higher restraint height requirements due to the potential decrease of occupant visibility. Can a solution be reached which considers visibility and injury prevention?

5. The European analogue to Standard No. 202 is Economic Commission for Europe (ECE) Regulation No. 25. By the year 2000, this regulation will require front outboard seating positions to have a head restraint that can achieve a height of 31.5 inches above the H-point (This is four inches above the height required in Standard No. 202). The minimum ECE height at all seating positions will be 29.5 inches above the H-point. Should the agency pattern Standard No. 202 after the ECE requirements?

6. Would an upgrade of Standard No. 207, *Seating Systems,* affect requirements for head restraints? Should any change in Standard No. 202 be synchronized/integrated with changes in Standard 207?

7. In section 4.1 of the current report, NHTSA estimates the cost of whiplash injury to be approximately $4.5 billion annually, in 1995 dollars. Is this estimate accurate based on the assumptions made? What is the best way to reduce this cost? What specific changes to Standard 202 or any other Standard will reduce this cost. What would be the cost of these changes? What would be the resulting benefits?

Submission of Comments

Interested persons are invited to submit comments on the technical report. 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 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 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 available for examination in the docket at the above address both before and after that date. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons 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.

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

Issued on December 11, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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