

amount needed to ameliorate the household's energy related problem or \$400 whichever is less, unless a Governor elects to set assistance limits at a higher or lower level and/or provide for varying the maximum assistance level. If the Governor elects to make such a change he/she must provide in the State Funding Plan a justification including the specific criteria used as the basis for changing or varying the limits of assistance level within the state, such as climate, fuel and low-income population. While energy allowances, such as payments to SSI or AFDC recipients under the HEW Energy Assistance Program, received by a household may not be considered as income for purposes of determining income eligibility, any allowances received shall be taken into consideration in determining the assistance to be provided. The total amount of the energy allowances and/or assistance under this program should not exceed the amount needed to ameliorate the household energy problem or the maximum level or assistance in the state, whichever is lower.

3. Paragraphs (a), (b), and (d) of § 1061.70-8 are revised to read as follows:

§ 1061.70-8 What these funds can be used for.

(a) Payments to vendors and suppliers of fuel, goods, and other services. Where an eligible household has paid its fuel bills, level of assistance equal to those bills should be provided in forms of assistance as described in (b), (c), and (d) of this section.

(b) The establishment of lines of credits with fuel/utility vendors for the benefit of eligible households. The Governors may provide limitations on the use of lines of credits such as: limiting the line of credit to the elderly and the handicapped only, establishing a specific duration on a future credit to the elderly and varying the maximum level not to exceed the state approved maximum. The Governor must describe in the State Funding Plan how future credits will be used in that particular state.

(d) Where necessary to prevent hardship or danger to health, the provision of immediate assistance in the form of goods or services such as emergency fuel deliveries, warm clothing, blankets, temporary shelter, emergency repairs to housing such as patching a roof or replacing a broken window, food, medicines or other

supportive services such as rent. Funds under this program shall not be used to weatherize homes.

4. Paragraphs (a), (b) and (c) of § 1061.70-9 are revised to read as follows:

§ 1061.70-9 Who is eligible to participate in this program.

(a) *Income eligibility.* Households with incomes at or below 125% of the CSA Poverty Guidelines and households whose heads receive SS shall be eligible for assistance under this program. No state may change these income eligibility guidelines. Receipt of energy allowances shall not preclude eligibility under the Energy Crisis Assistance Program nor shall energy allowances be considered as income in determining income eligibility.

(b) *Program eligibility.* The Governor must specify certain program eligibility criteria by defining what constitutes an energy-related crisis in that particular State. Where a Governor wants to establish such eligibility criteria, he/she must provide an explanation and justification in the State Funding Plan for the eligibility criteria selected as well as a description of the procedures to be used in determining the program eligibility. The Governor may not require proof of unpaid fuel bills or notices of termination of utility service as criteria for eligibility under this program. The Governor also has the option to use income eligibility criteria as the sole eligibility criteria. Energy allowances shall be taken into consideration in determining program eligibility as indicated in § 1061.70-7 Paragraph (b) of this subpart.

(c) *Income disregard.* Payments made under this program are not to be considered as income or resources for purposes of determining eligibility or benefits under any income maintenance program including, but not limited to public assistance, veterans benefits, food stamps, or Supplemental Security Income.

5. Section 1061.70-10 is revised to read as follows:

§ 1061.70-10 Termination of program.

No funds under this program may be obligated after June 30, 1980. For this program "obligation" shall mean certification for assistance by the program operator of a specific eligible household.

[FR Doc. 79-39378 Filed 12-26-79; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Editorial Amendments to the Rules Concerning Name Changes for the Public Information and Consumer Assistance Divisions; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: Part 0 of the Commission's Rules and Regulations amended to correct errors related to functions of the Office of Public Affairs published in the Federal Register on December 7, 1979 (44 FR 70471) and in addition deletes certain provisions of § 0.465(d)(1).

EFFECTIVE DATE: November 16, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Goodfriend, Management Systems Division, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Released: December 18, 1979.

The Order in the above-captioned matter released December 5, 1979, and published in the Federal Register on December 7, 1979, 44 FR 70471, is corrected by changing § 0.433 (AMENDED) to § 0.443 (AMENDED) and deleting the last two sentences of § 0.465(d)(1).

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-39468 Filed 12-26-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 396

[BMCS Docket No. MC-48; Amendment No. 79-2]

Federal Motor Carrier Safety Regulations: Inspection, Repair, and Maintenance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to final rule; effective date stayed.

SUMMARY: This is an emergency amendment to a final rule which was to take effect on December 31, 1979. Contrary to the intent of the FHWA, 49 CFR 396.13 has been interpreted as requiring truck drivers to certify that repairs have been made rather than to

acknowledge that there is a certification that the required repairs have been performed. This correction is being issued on an emergency basis to prevent implementation of a misleading requirement and to stay the effective date of the final rule for 90 days in order to allow regulated parties to bring their operations into conformity with the corrected requirement.

EFFECTIVE DATE: The effective date of the rule as amended is April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald J. Davis, Chief, Regulations Development Branch, Bureau of Motor Carrier Safety (202-426-9767); Mrs. Kathleen S. Markman, Office of the Chief Counsel (202-426-0824); Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On July 2, 1979, FHWA issued amendments to 49 CFR Part 396, published at 44 FR 38253. August 31, 1979, was set as the effective date. In response to petitions for reconsideration filed by a number of parties, the effective date of the rule was delayed until December 31, 1979, by notice published at 44 FR 50041 on August 27, 1979. In addition to delaying the effective date, that notice invited additional views or comments concerning the petitions for reconsideration that had been filed.

Comments received since August 27, 1979, and meetings held with representatives of the American Trucking Associations, Inc., and American Bus Association have pointed out an error in the final rule that must be corrected. The wording of the comments also indicate that the August 27 publication caused uncertainty and confusion.

The requirement in 49 CFR 391.13(3) that drivers certify that repairs have been made before driving a motor vehicle is inconsistent with the intent of this regulation, and imposes an impossible burden on the driver. This requirement would require drivers to independently examine the vehicle to determine whether repairs had been made. While many professional truck drivers do possess mechanical knowledge, they are not qualified to determine whether complicated mechanical repairs have been performed. The certification of repairs must be done by a mechanic with skill and experience in the technical areas. Requiring drivers to certify repairs would unduly delay dispatch of repaired vehicles and place an unfair burden on drivers.

One of the purposes of the new 49 CFR 396 is to insure that reported vehicle defects are repaired before the truck is placed into service. This is accomplished under the requirements of 49 CFR 396.11. That Section required motor carriers or their agents to repair defects and to certify that the defect has been corrected before the vehicle can be dispatched. This clearly places the burden of certification on those who are performing the repairs.

In order to bring 49 CFR 396.13 into conformance with the FHWA regulatory intent expressed in the Supplementary Information section of the July 2, 1979, Federal Register publication, it is necessary to publish this correction. The regulation is being changed to eliminate the requirement for the drivers' certification of repairs, and to substitute a requirement that before driving the driver sign the motor vehicle inspection report to acknowledge that the driver has reviewed it and that there is a certification that any required repairs have been performed. As a technical matter, the regulation is also being corrected to conform to proper regulatory style in referencing subparagraphs.

The confusion concerning the extension of the effective date centers on the solicitation of additional views and comments in the August 27, 1979, publication. The comments received and meetings held with representatives of the American Trucking Associations and the American Bus Association indicate that they believe that the comments were to be addressed to the rule itself rather than the petitions for reconsideration. Because of this there were questions about why the effective date of the rule and the closing dates for the comments were the same. The concern was expressed that the FHWA would not have sufficient time to review the comments before the rule went into effect.

The result of the confusion was that many carriers were unable to begin designing and printing new forms, developing procedures, and training their employees in order to conform with the new requirements. They were reluctant to take these actions because they were unsure whether it was the FHWA's intention to change the final rule on the basis of comments received.

The intention of the request for comments published on August 27, 1979, was to allow interested persons to respond to petitions for reconsideration that had been received. These petitions for reconsideration are handled pursuant to 49 CFR Part 389, and do not reopen the rulemaking docket that led to the publication of the final rule. Rather,

the petitions are requests for changes in the final rule that would have to be handled in accordance with Administrative Procedure Act requirements. All persons who submitted comments after July 2, 1979, will be notified of the FHWA's decision on the petitions by direct response.

In order to allow regulated persons to conform to 49 CFR 396 as corrected, the effective date of the rule is being stayed. The new effective date is April 1, 1980. This additional time is being provided to allow carriers to design and print forms, develop and to train employees, and to bring their operations into compliance by that date.

Because of the short time remaining before the previously announced effective date and the fact that the change is a correction, a notice and comment period is impractical. The correction merely serves to bring the final rule into conformance with the previously announced regulatory intent.

In consideration of the foregoing, 49 CFR 396.13 is amended to read as follows:

§ 396.13 Driver inspection.

Before driving a motor vehicle, the driver shall—

- (a) Be satisfied that the motor vehicle is in safe operating condition;
- (b) Review the last vehicle inspection report required to be carried on the power unit; and
- (c) Sign the report to acknowledge that the driver has reviewed it and that there is a certification that the required repairs have been performed. This signature does not apply to listed defects on a towed unit which is no longer part of the vehicle combination.

Note.—The Federal Highway Administrator has determined that this document contains an emergency regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044, and that it relates to a significant regulation. An evaluation of that regulation is contained in BMCS Docket No. MC-48 and can be reviewed in Room 3402, Bureau of Motor Carrier Safety, 400 Seventh Street SW., Washington, D.C. 20590 from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday. (49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48(b) and 301.60)

Issued on: December 19, 1979.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 79-39390 Filed 12-26-79; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. 78-09; Notice 4]

Anthropomorphic Test Dummies Representing 6-Month-Old and 3-Year-Old Children

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice is issued in conjunction with new Standard No. 213, *Child Restraint Systems*, which requires child restraint systems to be dynamically tested using anthropomorphic test dummies representing 6-month-old and 3-year-old children. This notice establishes the specifications for the dummies to be used in the child restraint testing. In addition, it sets performance criteria as calibration checks to assure the repeatability of the dummy's performance.

DATES: The amendment is effective on December 27, 1979.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: This notice amends Part 572, *Anthropomorphic Test Dummies*, to establish specifications and performance requirements for two test dummies. One representing a 6-month-old child and the other representing a 3-year-old child. This final rule is issued to supplement new Standard No. 213, *Child Restraint Systems*, published in the Federal Register for December 13, 1979 (44 FR 72131). Standard No. 213 evaluates the performance of child restraints in dynamic sled tests using the anthropomorphic test dummies whose specifications are established in this final rule. Restraints recommended for children weighing 20 pounds or less will be tested with an anthropomorphic dummy representing a 6-month-old child and restraints recommended for children weighing more than 20 pounds, but not more than 50 pounds will be tested with an anthropomorphic dummy representing a 3-year-old child.

On May 18, 1978, NHTSA published a notice of proposed rulemaking for the anthropomorphic test dummy amendment (43 FR 21490) and the child restraint standard (43 FR 21470). The comment closing date for both notices was December 1, 1978. The May 18, 1978, proposal on the anthropomorphic dummies noted that the calibration requirements proposed for the 3-year-old child test dummy were tentative. The agency said it would continue further testing on the calibrations and the results of that work would be placed in the public docket as soon as possible after the testing was completed. Based on the testing, NHTSA tentatively decided to make several minor modifications to the test dummy specifications and calibration requirements to improve the accuracy of the test dummy as a tool for measuring the performance of child restraints. A copy of the modifications was placed in the public docket on September 27, 1978, and the dummy manufacturers and child restraint testing facilities were advised of the modifications. The tentative modifications were published in the Federal Register on November 16, 1978 (43 FR 53478).

At the request of the Juvenile Products Manufacturers Association, the agency extended the comment closing date until January 5, 1979, for the portions of the child restraint and test dummy proposals dealing with testing with the anthropomorphic dummies. NHTSA granted the extension because manufacturers were reportedly having problems obtaining the proposed test dummies to conduct their own evaluations. Based on information gathered by the agency about the availability of testing facilities and dummies, the agency concluded that manufacturers could conduct the necessary testings before the extended comment closing date.

On December 21, 1978, NHTSA made available one of the agency's test dummies to General Motors Corp. (GM) for the purpose of resolving certain calibration problems GM reported it had experienced with its own test dummy. All other interested parties also were advised of the availability of the NHTSA test dummy and informed that NHTSA did not plan to issue a final rule on the test dummy proposal until at least mid-summer. The agency said it would review additional testing material submitted to the docket before issuance of the final rule. The final rule issuance date was subsequently rescheduled for October 1979 in the Department's March 1, 1979, Semi-Annual Regulations Agenda (44 FR Part II, 38) and for

November 1979 in the August 27, 1979, Agenda (44 FR 50195).

Following issuance of the May 1978 notice of proposed rulemaking, NHTSA conducted additional testing of the test dummies. This testing, completed in July 1979, further confirmed the results of the agency's prior testing which showed the anthropomorphic dummies to be objective test devices. The results of this testing were periodically placed in the public docket so that all interested parties could comment on them.

This final rule is based on the data obtained in the agency's testing, data submitted in the comments, and data obtained from other pertinent documents and test reports. Significant comments submitted to the docket are addressed below.

Infant Test Dummy

The infant test dummy is based on a simple design representing the dimensions and mass distribution characteristics of a 6-month-old child. The test dummy is used to assess the ability of infant restraints to retain their occupants and maintain their structural integrity during dynamic testing. Because of its construction, the dummy cannot be instrumented to measure the forces that would be exerted upon an infant in a crash. NHTSA's tests have shown the infant dummy will reliably and consistently represent the dynamics of an infant during simulated impact tests.

GM, the only party to comment on the specification for the infant test dummy, reported that it had "no significant problem in building or verifying the compliance of the dummy to the proposed specification." To improve the durability of the test dummy, GM recommended adding a wooden form to the head to maintain its geometry and using steel instead of lead for ballast in the test dummy. Since these recommendations should not affect the dummy's performance and should increase its durability, NHTSA has adopted a modified version of the proposed changes. The changes add a plastic form to the dummy's head, since a plastic form is easier to manufacture and duplicate than a wooden form. In addition, a portion of the ballast materials are now required to be steel and aluminum.

The revised design drawings and a construction manual for the infant dummy are available for examination in the NHTSA docket section, which is open from 7:45 a.m. to 4:15 p.m., Monday through Friday. Copies of these documents can be obtained from: Keuffel and Esser Co., 1512 North

Danville Street, Arlington, Virginia 22201.

3-Year-Old Child Test Dummy

The test dummy representing a 3-year-old child is based on the Alderson Model VIP-3C test dummy. It was chosen over the other available test dummies representing a 3-year-old child, such as the Sierra 492-03 test dummy, because it has more complete design details, can adequately withstand the test load imposed during impact testing, has more accurate anthropometry and mass distribution, can be easily instrumented for testing, more closely simulates the responses of a child during impact testing and has more consistent head and chest acceleration measurements during impact testing.

As with the infant test dummy, the final rule establishes a complete set of design specifications for the 3-year-old test dummy. For the 3-year-old test dummy, NHTSA has provided: a drawing package containing all of the technical details of the dummy parts and the stages of dummy manufacture; a set of master patterns for all molded and cast parts of the dummy; and a maintenance manual containing instructions for the assembly, disassembly, use, adjustment and maintenance of the dummy. These materials will ensure that manufacturers can accurately and consistently produce the test dummy.

The drawings and the maintenance manual for the 3-year-old test dummy are available for examination at the agency's docket section. Copies of these drawings and the maintenance manual can be obtained from the Keuffel and Esser, Co., 1512 North Danville Street, Arlington, Va. 22201. In addition, patterns for all the cast and molded parts are available on a loan basis from the agency's Office of Vehicle Safety Standards, at the address given at the beginning of this notice.

Calibration Requirements

Unlike the infant test dummy, the 3-year-old child test dummy can be instrumented with accelerometers to measure the forces imposed on the dummy during an impact. Thus, in Standard No. 213, *Child Restraint Systems*, the 3-year-old test dummy is used to measure the amount of head and knee excursion and the magnitude of head and chest acceleration allowed by the child restraint.

Since a test dummy is a complex instrument required to measure important parameters, it is essential that the test dummy be properly calibrated to ensure accurate and repeatable results. NHTSA has developed detailed test

dummy specifications and instrumentation requirements to ensure that the test dummies are as much as possible identically constructed and identically instrumented. The agency also developed calibration performance requirements that the test dummy must meet in dynamic and static tests. The calibration tests will determine whether the test dummies are uniformly constructed and properly instrumented.

In its comments, GM reported that it was unable to calibrate its 3-year-old test dummies. As mentioned previously, NHTSA loaned GM one of the agency's test dummies for the purpose of resolving the reported calibration problem. Using the NHTSA test dummy equipped with NHTSA's accelerometers, GM was able to meet the peak resultant acceleration requirements set for the dummy's head in specified pendulum impact tests, but was not able to meet the lateral acceleration requirement. When the same dummy was tested with GM's accelerometers, the dummy did not meet any of the head acceleration performance requirements. In the case of the chest calibration performance requirements, the accelerations measured by GM test dummies and the NHTSA test dummy, using both GM's and NHTSA's accelerometers, were within the range set for peak resultant and lateral acceleration.

GM also said that because the agency did not define the term "unimodal" it was not certain that the acceleration measurements that it made complied with the requirement that the acceleration-time curves for the head and chest impacts be unimodal. To clarify the requirement, NHTSA has defined unimodal in the final rule to mean an acceleration curve that only has one prominent peak and has specified that the measured acceleration-time curve during the head and chest impact testing need only be unimodal during a short time period when the accelerations are above a specified level.

GM attributed the calibration problem to resonances in the head and chest of the test dummies. (A resonance is a vibrational state that can magnify the accelerations imposed on the test dummy and thus prevent the accurate measurement of those accelerations.) GM said that because of the possible inaccurate measurements caused by the resonances, the test dummy cannot be used as an objective tool for assessing the performance of child restraint systems.

The calibration testing done for the agency indicates that the acceleration responses for the head and chest pendulum impacts include a limited

amount of vibration. Such responses exist to some extent in any acceleration measuring device and are also found in similar pendulum impact tests of the Part 572 adult test dummy. However, dynamic sled tests of child test dummies in child restraint systems have demonstrated that the test dummies produce very repeatable results and do not show the vibrations found in the more severe pendulum impact tests. The agency's calibration tests also show that the test dummies produce very repeatable results. Even in GM tests of its three test dummies equipped with GM's instrumentation, the test dummies produced repeatable results. Such repeatability could not be obtained with resonating systems. Based on a review of GM's and the agency's test data, NHTSA concludes that the GM calibration failures are not attributable to resonances, but are very likely due to the differences, discussed below, in the mounting of the accelerometers in the GM test dummies.

NHTSA recognizes that because of different instrumentation and test procedures, different test facilities may obtain different results in what are essentially the same tests. To reduce such differences, NHTSA proposed requirements to standardize the test and instrumentation procedures. In calibration tests conducted at Calspan Corporation the measurements of the peak resultant head accelerations and the lateral head acceleration were found to be close to the upper limits of the tentative head calibration requirements (112 g peak resultant acceleration and 5 g lateral acceleration) proposed by the agency. To further accommodate expected differences between different testing facilities, NHTSA has decided to broaden the head acceleration calibration requirements for peak resultant head acceleration to 115 g's and for lateral acceleration to 7 g's.

Instrumentation

Based on a review of GM's and the agency's test data, NHTSA concludes that one of the significant differences between NHTSA's and GM's test dummy is the manner in which the accelerometer mounting plate is attached to the head of the test dummy. Finding what it thought was an incompatibility between the angle of the accelerometer mounting plate bolt and the angle of the surface of the plate that attaches to the dummy's head, GM changed the angle of the surface in its test dummies. However, NHTSA specified the difference in the two angles for an important reason. Having a difference in the angles allows for a firmer attachment of the accelerometer

mounting plate to the dummy. The difference in the firmness of the attachment of the accelerometer mounting plate may account for the additional acceleration that occurred in the head calibration tests of the GM test dummies.

GM also asked the agency to set a torque specification for the accelerometer mounting plate bolt. In response to GM's request, the agency has added a torque specification of 10 ft. lbs. to the specifications set out in the maintenance manual for the test dummy.

GM said that another possible source of the difference between the measurements it obtained with its own test dummies and the measurements it made with the NHTSA test dummies could be due to differences in the type and location of the accelerometers in the test dummies. GM noted that the specifications proposed in the rule allow the use of different types of accelerometers by allowing a number of different accelerometer placements within the test dummy.

As explained below, testing done for the agency has shown that the use of different types of accelerometers within the permissible locations does not prevent the test dummy from producing accurate and repeatable results. However, to further reduce the possibility of test differences due to accelerometer placement, the agency has more specifically defined several of the permissible accelerometer mounting locations.

Testing done for the agency at two different facilities to develop the calibration requirements used two types of accelerometers and different accelerometer locations. That testing produced no appreciable differences in test results and showed that different facilities could obtain repeatable results, when the accelerometers are properly mounted.

The agency's test experience with the adult test dummy also shows that minor differences in accelerometer mounting locations do not affect the ability of the test dummy to produce similar and repeatable results. The number of permissible accelerometer locations allowed for the adult test dummy is in some cases larger than the number permitted in the child test dummy. Yet no significant differences in test results for the adult test dummy have been encountered due to accelerometer location.

GM's own test data also indicate that use of different types of properly mounted accelerometers and different mounting locations produces only minor variations in the measurements. GM

tested NHTSA's test dummy using two types of accelerometers mounted at different locations within the prescribed tolerances. The average measured acceleration in the chest impact tests varied by only 4 percent between the two types of accelerometers. It was only when GM used the improperly installed accelerometer mounting block in the head impact tests, discussed above, that GM obtained a 14 percent difference in measured accelerations within the NHTSA dummy using two types of accelerometers.

Calibration Procedures

GM also raised questions about the procedures for conducting the chest and head calibration tests. GM said that the sequence of procedures for positioning the dummy for the chest pendulum impact test was ambiguous since it called for the test dummy to be adjusted so that the area on the chest of the dummy immediately adjacent to the impact point is vertical. However, that surface of the dummy is curved and has variable radii. GM also pointed out that when the dummy is moved to the more vertical position, the area that a pendulum strikes the dummy also moves so that the portion of the test dummy's chest which is too rigid might be impacted. NHTSA has changed the dummy's positioning procedures so that a plane tangent to the surface of the chest immediately adjacent to the designated impact area is vertical. The positioning of the pendulum is also changed to ensure that the pendulum consistently strikes the chest at the designated point on the chest.

GM also raised questions about the positioning of the pendulum for the head calibration impact tests. The proposed requirement specified that the impact point for the pendulum was to be measured relative to the top of the dummy's head. GM said that because of differences in the thickness and shape of the dummy's skin, the location of the impact point can vary. GM recommended determining the impact point relative to the head center of gravity reference pins which protrude through the test dummy's skin.

NHTSA has evaluated GM's proposed head impact positioning procedure and decided to adopt a modified version of it. A measurement made from the head center of gravity pins will be used to determine the head impact point to ensure that all test dummies will be struck in the same location during the head impact tests.

GM said that the lumbar spine calibration test was ambiguous because it did not specify either the direction in which the force was to be applied to the

lumbar spine or the location on the spine which is to be used to define the direction of force application. GM also pointed out that the procedures erroneously set requirements for femur friction plungers which are not included in the 3-year-old test dummy. NHTSA has corrected the test procedures to specify the direction of force application and deleted the reference to friction plungers.

GM also criticized ambiguities in the specification for the amount of chest deflection. NHTSA has reevaluated the need for a chest deflection specification and has decided to eliminate the requirement, since the chest acceleration test should serve as an adequate calibration test of the dummy's chest.

Repeatability

Ford, GM and the Motor Vehicle Manufacturers Association (MVMA) raised questions about the ability of the 3-year-old test dummy to give repeatable results in crash testing. MVMA proposed that the agency conduct another series of tests to determine the amounts of variances in test results between the same dummy in several tests and between different dummies in the same tests.

MVMA and Ford also recommended that the additional testing also include testing of the proposed Economic Commission for Europe (ECE) test dummy to determine if it would be an objective test device. The agency has not conducted an evaluation of the ECE test dummy since there are no calibration requirements for that test dummy. Without calibration requirements, there is no means to ensure the accuracy of the measurements obtained by the test dummy and therefore it cannot be used as an objective test device.

The agency has already conducted three separate research programs to evaluate the 3-year-old test dummy as an objective test device. As explained below, those programs have shown that the test dummy is an objective device that produces repeatable test results.

During 1977-78, the agency had simultaneous research programs conducted at the University of Michigan's Highway Safety Research Institute and NHTSA's Vehicle Research and Test Center in East Liberty, Ohio to develop and evaluate the calibration performance requirements and test procedures for the 3-year-old test dummy. Four of the 3-year-old test dummies were used in the testing program. Two of the dummies were tested by one laboratory and the other two were tested by the other laboratory.

Then the two sets of test dummies were exchanged by the laboratories and subjected to the same calibration tests. By setting up the research program in this manner, the agency was able to determine if the test procedures and calibration performance requirements were repeatable from test dummy to test dummy and from test laboratory to test laboratory. The test results from both research programs showed that the calibration test procedures and performance requirements produced repeatable results.

The repeatability of the test dummy was reaffirmed in further testing conducted between June 1978 and July 1979 at Calspan Corporation. In that research program four of the 3-year-old test dummies were used with two different types of child restraints—one shield type (Chrysler Mopar) and one plastic shell with integral harness type (GM Love Seat). Each of the four test dummies was subjected to six sled tests at 30 mph in both types of child restraints. The harness type restraint was also subjected to 3 sled tests at 20 mph with the top tether strap unattached.

To determine the repeatability of the test dummies, the head and chest accelerations and the amounts of head and knee excursion experienced by the test dummies were analyzed. That analysis showed that the amount of deviation measured by the same dummy in the different tests was small and similar in nature to the results obtained with Part 572 test dummies representing adults, which have been established as objective test devices.

In addition to examining the results obtained for the same dummy in different tests, the research program also examined the results for each of the four 3-year-old dummies in the same test. Based on previous testing of test dummies representing adults, it was determined that if the absolute deviation of the observed test results for each performance criteria, such as head acceleration, was less than six percent from the mean results, then the dummies had sufficient repeatability. In all but one of the test results, the deviation from the mean was less than six percent. The single exception involved the amount of chest acceleration measured in the test dummies in the 20 mph tests of an unfettered harness-type restraint. In that instance the deviation was only 7.7 percent. The reason for the variation in that test is probably due to the increased movement of the seat because the tether strap was unattached, rather than due to any variability in the test dummy.

Costs

The agency has considered the economic and other impacts of this final rule and determined that this rule is not significant within the meaning of Executive Order 12044 and the Department of Transportation's policies and procedures for implementing that order. The agency's assessment of the benefits and economic consequences of this final rule are contained in a regulatory evaluation which has been placed in the docket. Copies of that regulatory evaluation can be obtained by writing to NHTSA's docket section at the address given in the beginning of this notice.

The cost of the infant test dummy is estimated to be approximately \$1,000. The 3-year-old test dummy should cost approximately \$4,000. The materials used in the dummies are commercially obtainable. The availability of the test dummy drawing and other specifications means that any manufacturer can produce its own test dummy and does not have to purchase the test dummy from an independent test dummy manufacturer.

Strollee, a child restraint manufacturer, and the Juvenile Products Manufacturers Association asked the agency to reconsider the calibration requirements set for the 3-year-old dummy. They argued that the cost of calibrating the test dummy is approximately \$800 to \$1,100. Combined with the cost of the sled testing, each test of a car seat could cost approximately \$2,000–\$3,500. Such costs "would certainly discourage a manufacturer from testing frequently," Strollee said.

The calibration requirements set by this final rule are essential to ensure that the test dummy is an objective test device that will produce repeatable results in dynamic sled tests. So that the requirements would be practicable, the agency established the minimum number of calibration tests possible which would still ensure that the test dummy is properly constructed and properly instrumented. Each manufacturer, in the exercise of due care, must determine how frequently it will calibrate its test dummy and how frequently it will run tests to determine its child restraint's compliance with Standard No. 213.

In its own testing, the agency has used some test dummies in as many as 15 tests over a 2–3 week period without recalibrating them and has not found any difference in their performance. With other test dummies, the agency has found it necessary to recalibrate them after several tests. However, in its

compliance testing the agency will use properly calibrated dummies.

The principal authors of this notice are Vladislav Radovich, Office of Vehicle Safety Standards, and Stephen Oesch, Office of Chief Counsel.

In consideration of the foregoing, Part 572, *Anthropomorphic Test Dummies*, of Title 49 of the Code of Federal Regulations is amended as follows:

§ 572.4 Terminology

1. A new paragraph (c) is added to Part 572, Subpart A—General, § 572.4 Terminology (49 CFR 572.4) to read as follows:

(c) The term "unimodal", when used in Subpart C, refers to an acceleration-time curve which has only one prominent peak.

2. A new Subpart C—Three Year Old Child, is added to Part 572 (49 CFR 572) to read as follows:

Subpart C—3-Year-Old Child

Sec.

- 572.15 General description.
- 572.16 Head.
- 572.17 Neck.
- 572.18 Thorax.
- 572.19 Lumbar, spine, abdomen and pelvis.
- 572.20 Limbs.
- 572.21 Test conditions and instrumentation.

Subpart C—3-Year-Old Child

§ 572.15 General description.

(a)(1) The dummy consists of the component assemblies specified in drawing SA 103C 001, which are described in their entirety by means of approximately 122 drawings and specifications grouped by component assemblies under the following headings:

- SA 103C 010 Head Assembly
- SA 103C 020 Neck Assembly
- SA 103C 030 Torso Assembly
- SA 103C 041 Upper Arm Assembly Left
- SA 103C 042 Upper Arm Assembly Right
- SA 103C 051 Forearm Hand Assembly Left
- SA 103C 052 Forearm Hand Assembly Right
- SA 103C 061 Upper Leg Assembly Left
- SA 103C 062 Upper Leg Assembly Right
- SA 103C 071 Lower Leg Assembly Left
- SA 103C 072 Lower Leg Assembly Right
- SA 103C 081 Foot Assembly Left
- SA 103C 082 Foot Assembly Right

The drawings and specifications are incorporated in this part by reference to the thirteen headings and are available for examination in Docket 78–09, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. Copies may be obtained from Keuffel & Esser Co., 1521 North Danville Street, Arlington, Va. 22201.

(2) The patterns of all cast and molded parts for reproduction of the

molds needed in manufacturing of the dummies are incorporated in this part by reference. A set of the patterns can be obtained on a loan basis by manufacturers of the test dummies, or others if need is shown, from the Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590.

(3) An Operation and Maintenance Manual with instructions for the use and maintenance of the test dummies dated May 28, 1976, Contract No. DOT-HS-6-01294 is incorporated in the part by reference. Copies of the manual can be obtained from the Keuffel & Esser Co. All provisions of this manual are valid unless modified by this regulation. This document is available for examination in Docket 78-09.

(4) The drawings, specifications and the manual are subject to changes, but any change will be accomplished by appropriate administrative procedures and announced by publication in the Federal Register and be available for examination and copying as indicated in this paragraph.

(5) The drawings, specifications, patterns, and manual are on file in the reference library of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C.

(b) Adjacent segments are joined in a manner such that throughout the range of motion and also under simulated crash-impact conditions, there is no contact between metallic elements except for contacts that exist under static conditions.

(c) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being used in tests specified by Standard No. 213, Child Restraint Systems (§ 571.213).

§ 572.16 Head.

(a) The head consists of the assembly shown in drawing SA 103C 001 by number SA 103C 010, and conforms to each of the drawings listed under this number on drawing SA 103C 002, sheet 8.

(b) When the head is impacted in accordance with paragraph (c) of this section by a test probe conforming to § 572.21(a) at 7 fps., the peak resultant accelerations measured at the location of the accelerometers mounted in the headform in accordance with § 572.21(b) shall be not less than 95g, and not more than 115g. The recorded acceleration-time curve for this test shall be unimodal at, or above the 50g level and shall lie at, or above that level for an interval not less than 2.0 and not more

than 3.0 milliseconds. The lateral acceleration vector shall not exceed 7g.

(c) Test Procedure:

(1) Seat the dummy on a seating surface having a back support as specified in § 572.21(h) and orient the dummy in accordance with § 572.21(h) and adjust the joints of the limbs at any setting between 1g and 2g, which just supports the limbs' weight when the limbs are extended horizontally forward.

(2) Adjust the test probe so that its longitudinal centerline is at the forehead at the point of orthogonal intersection of the head midsagittal plane and the transverse plane which is perpendicular to the "Z" axis of the head (longitudinal centerline of the skull anchor) and is located 0.6 ± 1.1 inches above the centers of the head center of gravity reference pins and coincides within 2 degrees with the line made by the intersection of horizontal and midsagittal planes passing through this point.

(3) Adjust the dummy so that the surface area on the forehead immediately adjacent to the projected longitudinal centerline of the test probe is vertical.

(4) Impact the head with the test probe so that at the moment of impact the probe's longitudinal centerline falls within 2 degrees of a horizontal line in the dummy's midsagittal plane.

(5) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

(6) Allow a time period of at least 20 minutes between successive tests of the head.

§ 572.17 Neck.

(a) The neck consists of the assembly shown in drawing SA 103C 001 as number SA 103C 020, and conforms to each of the drawings listed under this number on drawing SA 103C 002, sheet 9.

(b) When the head-neck assembly is tested in accordance with paragraph (c) of this section, the head shall rotate in reference to the pendulum's longitudinal centerline a total of $84 \text{ degrees} \pm 18$ degrees about its center of gravity, rotating to the extent specified in the following table at each indicated point in time, measured from impact, with the chordal displacement measured at its center of gravity. The chordal displacement at time T is defined as the straight line distance between (1) the position relative to the pendulum arm of the head center of gravity at time zero, and (2) the position relative to the pendulum arm of the head center of gravity at time T as illustrated by figure 3. The peak resultant acceleration

recorded at the location of the accelerometers mounted in the headform in accordance with § 572.21(b) shall not exceed 30g. The pendulum shall not reverse direction until the head's center of gravity returns to the original zero time position relative to the pendulum arm.

Rotation (degrees)	Time (ms) $\pm (2 + .08T)$	Chordal displacement (inches ± 0.9)
0	0	0
30	21	2.2
60	36	4.3
Maximum	62	5.8
60	91	4.3
30	108	2.2
0	123	0

(c) Test Procedure:

(1) Mount the head and neck on a rigid pendulum as specified in Figure 4, so that the head's midsagittal plane is vertical and coincides with the plane of motion of the pendulum's longitudinal centerline. Mount the neck directly to the pendulum as shown in Figure 15.

(2) Release the pendulum and allow it to fall freely from a height such that the velocity at impact is 17.00 ± 1.0 feet per second (fps), measured at the center of the accelerometer specified in figure 4.

(3) Decelerate the pendulum to a stop with an acceleration-time pulse described as follows:

(i) Establish 5g and 20g levels on the a-t curve.

(ii) Establish t_1 at the point where the a-t curve first crosses the 5g level, t_2 at the point where the rising a-t curve first crosses the 20g level, t_3 at the point where the decaying a-t curve last crosses the 20g level, and t_4 at the point where the decaying a-t curve first crosses the 5g level.

(iii) $t_2 - t_1$, shall be not more than 4 milliseconds.

(iv) $t_3 - t_2$, shall be not less than 18 and not more than 21 milliseconds.

(v) $t_4 - t_3$, shall be not more than 5 milliseconds.

(vi) The average deceleration between t_2 and t_3 shall be not less than 20g and not more than 34g.

(4) Allow the neck to flex without contact of the head or neck with any object other than the pendulum arm.

(5) Allow a time period of at least 1 hour between successive tests of the head and neck.

§ 572.18 Thorax.

(a) The thorax consists of the part of the torso shown in assembly drawing SA 103C 001 by number SA 103C 030 and conforms to each of the applicable drawings listed under this number on drawing SA 103C 002, sheets 10 and 11.

(b) When impacted by a test probe conforming to § 572.21(a) at 13 fps. in accordance with paragraph (c) of this section, the peak resultant accelerations at the location of the accelerometers mounted in the chest cavity in accordance with § 572.21(c) shall be not less than 50g and not more than 70g. The acceleration-time curve for the test shall be unimodal at or above the 30g level and shall lie at or above the 30g level for an interval not less than 2.5 milliseconds and not more than 4.0 milliseconds. The lateral acceleration shall not exceed 5g.

(c) Test Procedure:

(1) With the dummy seated without back support on a surface as specified in § 572.21(h) and oriented as specified in § 572.21(h), adjust the dummy arms and legs until they are extended horizontally forward parallel to the midsagittal plane. The joints of the limbs are adjusted at any setting between 1g and 2g, which just supports the limbs' weight when the limbs are extended horizontally forward.

(2) Establish the impact point at the chest midsagittal plane so that it is 1.5 inches below the longitudinal centerline of the bolt that attaches the top of the ribcage sternum to the thoracic spine box.

(3) Adjust the dummy so that the tangent plane at the surface on the thorax immediately adjacent to the designated impact point is vertical and parallel to the face of the test probe.

(4) Place the longitudinal centerline of the test probe to coincide with the designated impact point and align the test probe so that at impact its longitudinal centerline coincides within 2 degrees with the line formed by intersection of the horizontal and midsagittal planes passing through the designated impact point.

(5) Impact the thorax with the test probe so that at the moment of impact the probe's longitudinal centerline falls within 2 degrees of a horizontal line in the dummy midsagittal plane.

(6) Guide the probe during impact so that it moves with no significant lateral, vertical or rotational movement.

(7) Allow a time period of at least 20 minutes between successive tests of the chest.

§ 572.19 Lumbar spine, abdomen and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the part of the torso assembly shown by number SA 103C 030 on drawing SA 103C 001 and conform to each of the applicable drawings listed under this number on drawing SA 103C 002, sheets 10 and 11.

(b) When subjected to continuously applied force in accordance with

paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its initial position in accordance with Figure 18 of this subpart by 40 degrees at a force level of not less than 34 pounds and not more than 47 pounds, and straighten upon removal of the force to within 5 degrees of its initial position.

(c) **Test Procedure:** (1) The dummy with lower legs removed is positioned in an upright seated position on a seat as indicated in Figure 18, ensuring that all dummy component surfaces are clean, dry and untreated unless otherwise specified.

(2) Attach the pelvis to the seating surface by a bolt C/328, modified as shown in Figure 18, and the upper legs at the knee axial rotation joints by the attachments shown in Figure 18. Tighten the mountings so that the pelvis-lumbar joining surface is horizontal and adjust the femur ball-flange screws at each hip socket joint to 50 inch pounds torque. Remove the head and the neck and install a cylindrical aluminum adapter 2.0 inches in diameter and 2.80 inches long in place of the neck.

(3) Flex the thorax forward 50 degrees and then rearward as necessary to return to its initial position in accordance with Figure 18 unsupported by external means.

(4) Apply a forward pull force in the midsagittal plane at the top of the neck adapter, so that at 40 degrees of the lumbar spine flexion the applied force is perpendicular to the thoracic spine box. Apply the force at any torso deflection rate between 0.5 and 1.5 degrees per second up to 40 degrees of flexion but no further; continue to apply for 10 seconds the force necessary to maintain 40 degrees of flexion, and record the highest applied force at that time. Release all force as rapidly as possible and measure the return angle 3 minutes after the release.

§ 572.20 Limbs.

The limbs consist of the assemblies shown on drawing SA 103C 001 as Nos. SA 103C 041, SA 103C 042, SA 103C 051, SA 103C 052, SA 103C 061, SA 103C 062, SA 103C 071, SA 103C 072, SA 103C 081, SA 103C 082, and conform to each of the applicable drawings listed under their respective numbers of the drawing SA 103C 002, sheets 12 through 21.

§ 572.21 Test conditions and instrumentation.

(a) The test probe used for head and thoracic impact tests is a cylinder 3 inches in diameter, 13.8 inches long and weights 10 lbs., 6 ozs. Its impacting end

has a flat right face that is rigid and that has an edge radius of 0.5 inches.

(b) Accelerometers are mounted in the head on the mounting block (A/310) located on the horizontal transverse bulkhead shown in the drawings subreferenced under assembly SA 103C 010 so that their sensitive axes are orthogonal and their seismic masses are positioned relative to the axial intersection point. Except in the case of tri-axial accelerometers, the sensitive axes shall intersect at the axial intersection point located at the intersection of a line connecting the longitudinal centerlines of the transfer pins in the sides of the dummy head with the midsagittal plane of the dummy head. One accelerometer is aligned with its sensitive axis parallel to the vertical bulkhead and midsagittal plane, and with its seismic mass center at the midsagittal plane at any distance up to 0.3 inches dorsal and 0.1 inches inferior to the axial intersection point. Another accelerometer is aligned with its sensitive axis in the horizontal plane and perpendicular to the midsagittal plane, and with its seismic mass center at any distance up to 0.2 inches inferior to, 0.4 inches to the right of, and 1 inch dorsal to the axial intersection point (right side of dummy is the same as that of child). A third accelerometer is aligned with its sensitive axis parallel to the midsagittal and horizontal planes, and with its seismic mass center at any distance up to 0.2 inches inferior to, 0.6 inches dorsal to, and 0.4 inches to the right of the axial intersection point. In the case of a tri-axial accelerometer, its axes are aligned in the same way that the axes of three separate accelerometers are aligned.

(c) Accelerometers are mounted in the thorax on the mounting plate attached to the vertical transverse bulkhead shown in the drawings subreferenced under assembly No. SA 103C 030 in drawing SA 103C 001 so that their sensitive axes are orthogonal and their seismic masses are positioned relative to the axial intersection point located in the midsagittal plane 3 inches above the top surface of the lumbar spine and 0.3 inches dorsal to the accelerometer mounting plate surface. Except in the case of tri-axial accelerometers, the sensitive axes shall intersect at the axial intersection point. One accelerometer is aligned with its sensitive axis parallel to the vertical bulkhead and mid-sagittal planes, and with its seismic mass center at any distance up to 0.2 inches to the right, 0.2 inches inferior and 0.1 inches ventral of the axial intersection point. Another accelerometer is aligned with its sensitive axis in the horizontal

transverse plane and perpendicular to the mid-sagittal plane and with its seismic mass center at any distance up to 0.3 inches to the left, 0.2 inches inferior and 0.2 inches ventral to the axial intersection point. A third accelerometer is aligned with its sensitive axis parallel to the midsagittal and horizontal planes and with its seismic mass center at any distance up to 0.3 inches superior, 0.6 inches to the right and 0.1 inches ventral to the axial intersection point. In the case of a tri-axial accelerometer, its axes are aligned in the same way that the axes of three separate accelerometers are aligned.

(d) The outputs of accelerometers installed in the dummy, and of test apparatus specified by this part, are recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211a, December 1971, with channel classes as follows:

- (1) Head acceleration—Class 1000.
- (2) Pendulum acceleration—Class 60.
- (3) Thorax acceleration—Class 180.

(e) The mountings for accelerometers have no resonance frequency less than cut-off 3 times the cut-off frequency of the applicable channel class.

(f) Limb joints are set at the force between 1-2g, which just supports the limbs' weight when the limbs are extended horizontally forward. The force required to move a limb segment does not exceed 2g throughout the range of limb motion.

(g) Performance tests are conducted at any temperature from 66° F to 78° F and at any relative humidity from 10 percent to 70 percent after exposure of the dummy to these conditions for a period of not less than 4 hours.

(h) For the performance tests specified in §§ 572.16, 572.18, and 572.19, the dummy is positioned in accordance with Figures 16, 17, and 18 as follows:

(1) The dummy is placed on a flat, rigid, clean, dry, horizontal surface of teflon sheeting with a smoothness of 40 microinches and whose length and width dimensions are not less than 18 inches, so that the dummy's midsagittal plane is vertical and centered on the test surface. For head tests, the seat has a vertical back support whose top is 12.4 ± 0.2 inches above the seating surface. The rear surfaces of the dummy's shoulders and buttocks are touching the back support as shown in Figure 16. For thorax and lumbar spine tests, the seating surface is without the back support as shown in Figures 17 and 18, respectively.

(2) The shoulder yokes are adjusted so that they are at the midpoint of their anterior-posterior travel with their upper surfaces horizontal.

(3) The dummy is adjusted for head impact and lumbar flexion tests so that the rear surfaces of the shoulders and buttocks are tangent to a transverse vertical plane.

(4) The arms and legs are positioned so that their centerlines are in planes parallel to the midsagittal plane.

(i) The dummy's dimensions are specified in drawings No. SA 103C 002, sheets 22 through 26.

(j) Performance tests of the same component, segment, assembly or fully assembled dummy are separated in time by a period of not less than 20 minutes unless otherwise specified.

(k) Surfaces of the dummy components are not painted except as specified in this part or in drawings subtended by this part.

3. A new Subpart D—Six Month Old Infant is added to Part 572 (49 CFR 572) to read as follows:

Subpart D—6-Month-Old Infant

Sec.
572.25 General description.

Subpart D—6-Month-Old Infant

§ 572.25 General Description.

(a) The infant dummy is specified in its entirety by means of 5 drawings (No. SA 1001 001) and a construction manual which describe in detail the materials and the procedures involved in the manufacturing of this dummy.

The drawings and the manual are incorporated in this part by reference and are available for examination in Docket 78-09, Room 5108, 400 Seventh Street SW., Washington, D.C. Copies may be obtained from Keuffel & Esser Co., 1512 North Danville Street, Arlington, Va. 22201. The drawings and the manual are subject to changes, but any change will be accomplished by appropriate administrative procedures and announced by publication in the **Federal Register** and be available for examination and copying as indicated in this paragraph. The drawings and manual are on file in the reference library of the Federal Register, National Archives and Records Services, General Services Administration, Washington, D.C.

(b) The structural properties and dimensions of the dummy are such that the dummy conforms to this part in every respect, both before and after being used in tests specified by Standard No. 213 (571.213).

BILLING CODE 4910-59-M

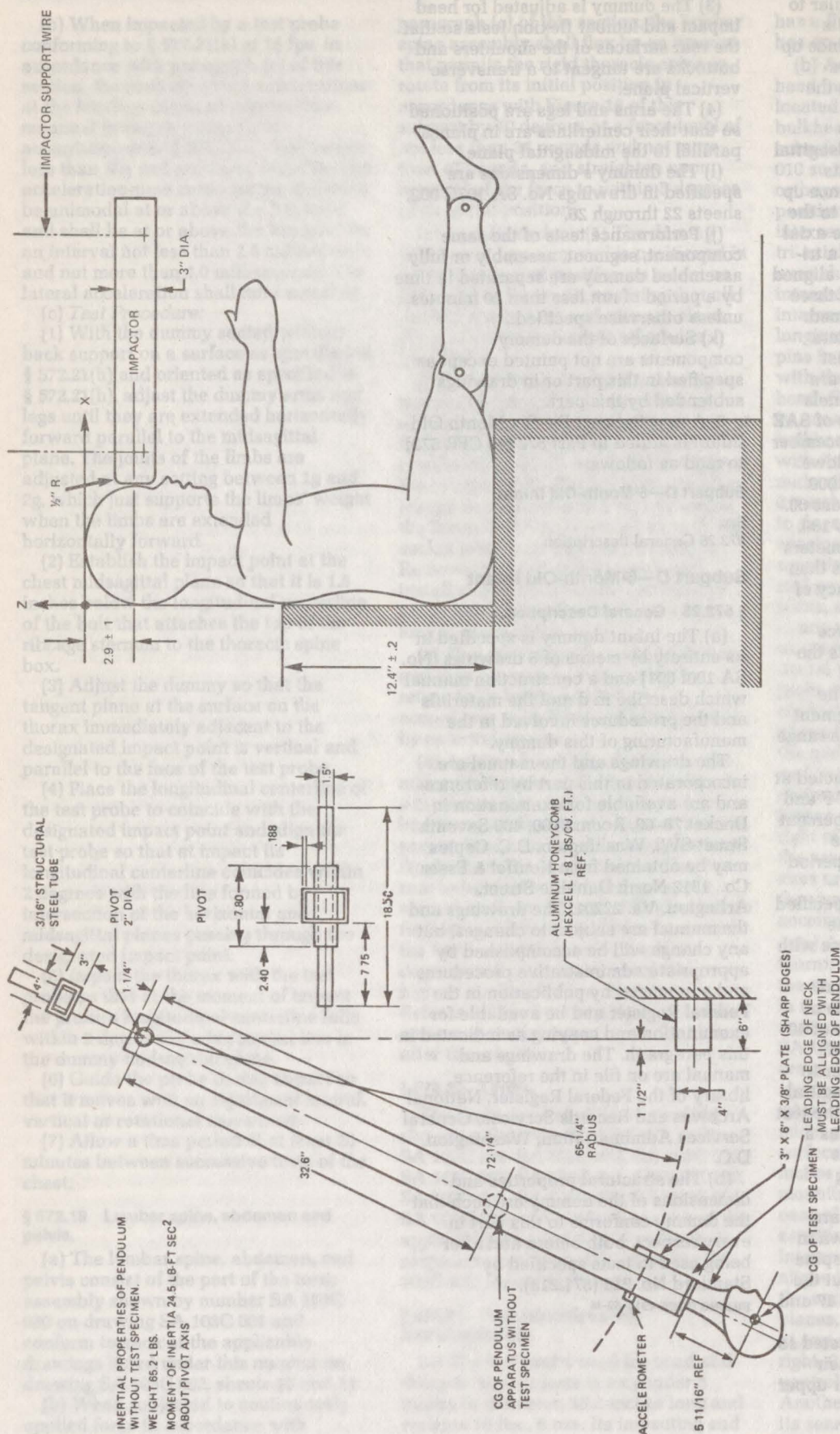


FIGURE NO. 16
HEAD IMPACT TEST

FIGURE NO. 15
NECK COMPONENT TEST

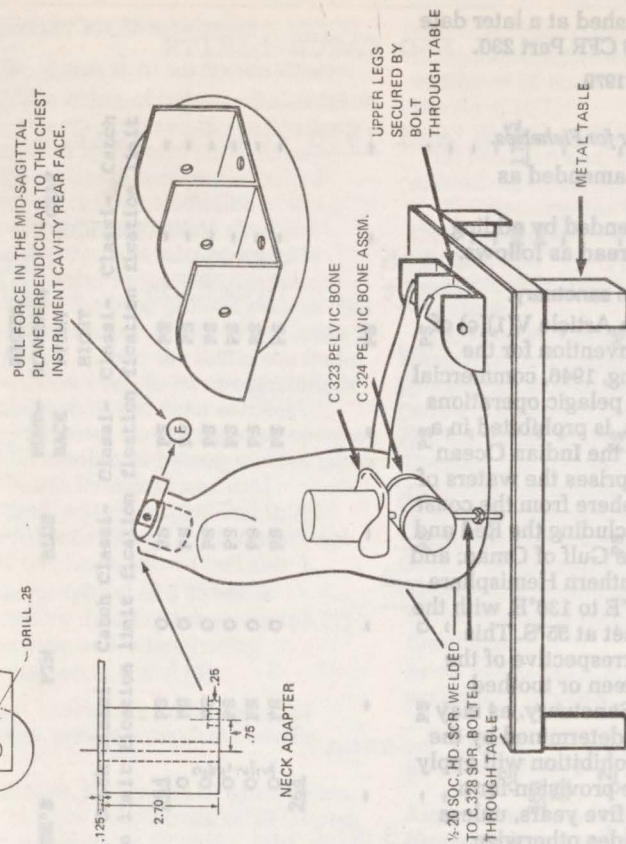
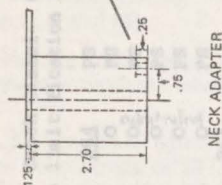
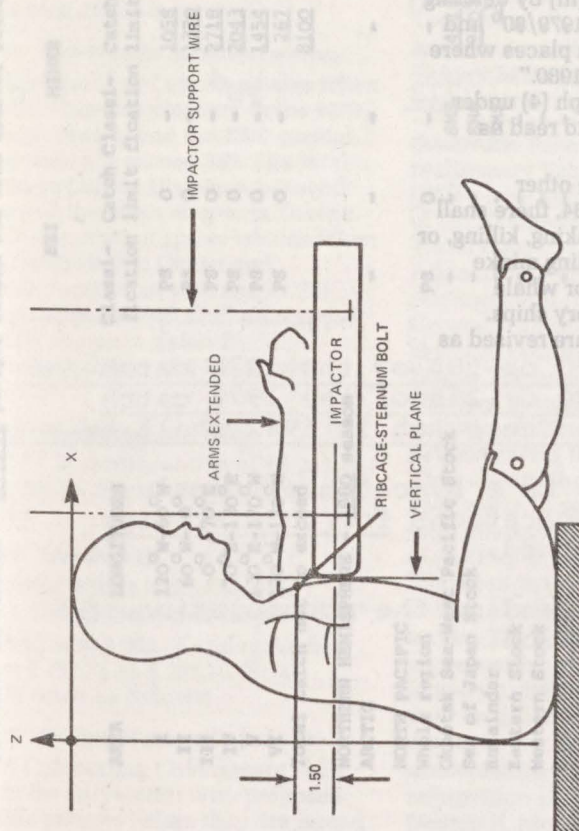


FIGURE NO. 18

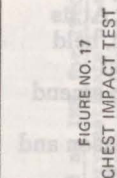


FIGURE NO. 17
CHEST IMPACT TEST

BILLING CODE 4910-59-C

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on December 20, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-39483 Filed 12-20-79; 4:05 pm]
BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 351

Whaling

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: Section 916k of the Whaling Convention Act, 16 U.S.C. 916, *et seq.*, requires that the Secretary of Commerce publish the Schedule of the International Convention for the Regulation of Whaling, 1946, in the Federal Register, in order for it to "become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations * * *." This final rule consists of the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling.

EFFECTIVE DATE: The amendments to the Schedule become effective on December 27, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, Telephone: 202-634-7287.

SUPPLEMENTARY INFORMATION: At its 31st Annual Meeting in London, held July 9-13, 1979, the International Whaling Commission agreed to amend the Schedule for the Southern Hemisphere 1979/80 pelagic season and 1980 coastal season, and for the Northern Hemisphere 1980 season. The United States received official notice of the amendments on July 25, 1979. By the terms of the Convention, these amendments became effective on October 24, 1979. This publication sets forth all amendments to the Schedule which were adopted at the 31st Annual Meeting.

Regulations under the Whaling Convention Act relating to the 1980 harvest of bowhead whales by Alaskan

Natives will be published at a later date and will appear in 50 CFR Part 230.

Dated: December 17, 1979.

Terry L. Leitzell,
Assistant Administrator for Fisheries.

50 CFR Part 351 is amended as follows:

1. Subpart C is amended by adding § 351.30 which shall read as follows:

§ 351.30 Indian Ocean sanctuary.

In accordance with Article V(1)(c) of the International Convention for the Regulation of Whaling, 1946, commercial whaling, whether by pelagic operations or from land stations, is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100°E, including the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20°E to 130°E, with the Southern boundary set at 55°S. This prohibition applies irrespective of the classifications of baleen or toothed whale stocks in the Sanctuary, as may from time to time be determined by the Commission. This prohibition will apply for 10 years, with the provision for a general review after five years, unless the Commission decides otherwise.

§ 351.34 [Amended]

2. Amend the first sentence of § 351.34, paragraph (a)(1)(iii) by deleting "1978/79" and inserting "1979/80" and by deleting "1979" in both places where it appears and inserting "1980."

3. Add new subparagraph (4) under paragraph (a) of § 351.34 to read as follows:

(4) Notwithstanding the other provisions of section 351.34, there shall be a moratorium on the taking, killing, or treating of whales, excluding minke whales, by factory ships or whale catchers attached to factory ships.

4. Tables one and two are revised as follows:

BILLING CODE 3510-22-M