§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Channel 265A, Richwood.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-14234 Filed 6-13-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-6; RM-7590]

Radio Broadcasting Services; Oxford, MS

AGENCY: Federal Communications Commission .

ACTION: Final rule.

SUMMARY: This document substitutes Channel 229A for Channel 296A at Oxford, Mississippi, and modifies the license for Station WKLJ-FM to specify operation on the new Class A channel. See 56 FR 4783, February 6, 1991. The coordinates for Channel 229A are 34-21-32 and 89-38-04. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91-6, adopted May 28, 1991, and released June 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 296A and adding Channel 229A at Oxford.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-14235 Filed 6-13-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-551; RM-7385]

Radio Broadcasting Services; South Bend, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Blue Denim Music, Inc., allots Channel 289C3 to South Bend, Washington, as the community's first local FM transmission service. See 55 FR 48871, November 23, 1990. Channel 289C3 can be allotted to South Bend in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 289C3 at South Bend are North Latitude 46-39-48 and West Longitude 123-48-12. Canadian concurrence has been obtained since South Bend is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 25, 1991. The window period for filing applications will open on July 26, 1991, and close on August 25, 1991.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-551, adopted May 28, 1991, and released June 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Channel 289C3, South Bend.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-14236 Filed 6-13-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-612; RM-7550, RM-7685]

Radio Broadcasting Services; Fox Farm, Wyoming and Gering, NB

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Gering Community Broadcasters, allots Channel 280C to Gering, Nebraska, as the community's first local FM transmission service. The proposal of Farm Broadcasting for the allotment of Channel 280C1 at Fox Farm, Wyoming, as the community's first local FM service is denied. See 55 FR 52185, December 20, 1990. Channel 280C can be allotted to Gering without the imposition of a site restriction. The coordinates for Channel 280C at Gering are North Latitude 41-49-42 and West Longitude 103-39-36. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 25, 1991. The window period for filing applications will open on July 26, 1991, and close on August 25, 1991.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-612, adopted May 28, 1991, and released June 11, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downturn Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73–202(b), the Table of FM Allotments under Nebraska, is amended by adding Channel 280C, Gering.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–14237 Filed 6–13–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 88–375, FCC 91–128]

FM Broadcast Services; Class C3 and Class A FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Through this decision, the Commission responds to petitions for reconsideration and clarification of the Second Report and Order (Second Report) in this proceeding (54 FR 35335, August 25, 1989). Specifically, the Commission: (1) Clarifies that 47 CFR 73.213 and 73.215 represent two separate approaches to obtaining a power increase, and declines to address the manner of securing consent, provided for in § 73.213 of the Commission's rules; (2) revises 47 CFR 73.213 to require a showing of non-availability of non-short-spaced locations only for those existing grandfathered short-spaced Class A stations seeking relocation to another short-spaced location; and (3) corrects several problems with respect to the Class A power increase rules. The actions are taken to provide additional opportunities for improving the facilities of existing Class A FM broadcast stations.

EFFECTIVE DATE: July 15, 1991.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Mass Media Bureau, Policy and Rules Division, (202) 632–9660.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order (MO&O) in MM Docket No. 88–375, adopted April 15, 1991, and released May 30, 1991.

The complete text of this Memorandum Opinion and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, D.C., and also may be purchased from the Commission's copy contractor, Downtown Copy Center, at (202) 452–1422, 1919 M Street, NW., Room 246, Washington, D.C. 20554.

Synopsis of Memorandum Opinion and Order

1. This action responds to petitions for reconsideration, partial reconsideration, and/or clarification of the rule amendments contained in the Second Report, filed by the National Association of Broadcasters (NAB), United Class A Broadcasters Coalition (Coalition), and the engineering firm of du Treil, Lundin & Rackley, Inc. (DLR). In general, the Coalition and DLR suggest that some of the new rules unnecessarily handicap licensees of Class A stations from obtaining improved coverage and should be amended. On the other hand, NAB maintains that the new rules are necessary to prevent degradation of the FM service.

2. This MO&O thus make several adjustments and clarifications to the rules adopted in the Second Report. First, it affirms that §§ 73.213 and 73.215 represent two separate approaches to obtaining a power increase. Applications filed pursuant to § 73.215 do not require the consent of other licensees because full protection will be afforded to all stations' service contours. Thus, the Coalition misinterprets the consent requirement if it believes that the requirement applies to short-spaced Class A stations for which a power increase is sought pursuant to § 73.215. The responsibility for ensuring that proper protection is afforded by applicants filing pursuant to § 73.215 rests with the Commission, not any other party.

3. Section 73.213(c)(2), on the other hand, states that "Each application to operate a Class A station with an ERP and HAAT such that the reference distance would exceed 24 kilometers must contain an exhibit *demonstrating the consent* (emphasis the Commission's) of the licensee of each co-channel, first, second or third adjacent channel station (for which the requirements of § 73.207 are not met) to a grant of that application." The rule does not address the manner of securing consent because that process is merely incidental. Consent cannot be procured without adequate notification. As a practical matter, the Agency's experience indicates that the "exhibit demonstrating consent" is provided by all § 73.213(c)(2) applicants and consists either of a letter indicating specific consent, or an agreement between two licensees seeking a mutual power increase. The Commission emphasizes that "consent" is not and may not be the equivalent of "negotiated acceptance of interference." Rather, it is an acknowledgement of the proposed modification and an indication that it is not objectionable. Consent also serves the practical purpose of greatly reducing the technical showings and arguments that would otherwise be requried. Also, the Agency emphasizes that a non-response on the part of a short-spaced licensee to a request for consent to a grant of a § 73.213(c)(2) application will not be interpreted as consent.

4. Next, § 73.213(c)(2) of the Rules states that "applications that specify a transmitter site which is short-spaced to an FM station other than another Class A station which is seeking a mutual increase in facilities may be granted only if no alternative fully-spaced site or less short-spaced site is available. Licensees of Class A stations seeking mutual increases in facilities need not show that a fully-spaced or less short-spaced site is available." The Coalition contends there is no basis for requiring Class A stations short-spaced to stations of other classes and seeking to increase power at existing sites to first show that no fully spaced or less short-spaced sites is available. Such showings, suggest the Coalition, should only be required when an applicant seeks a waiver to install a full-facility transmitter at a new short-spaced site. The Commission agrees with the Coalition's contention, and finds that, because power increases sought pursuant to § 73.213(c)(2) require the consent of all potentially affected licensees, the current requirement for a showing of non-alternative site availability appears unduly restrictive in the case of stations for which relocation is not practicable. Such a showing should, however, be required in the case of a § 73.213(c)(2) application involving both an increase in facilities and station relocation. The rules are amended to reflect this modified requirement.

5. Finally, the Commission has identified several problems with respect to the Class A power increase rules. First, the question has arisen as to how § 73.213(c)(2) should be applied in the case where two Class A licensees are short-spaced with respect to each other, where they agree to mutual power increases, but where one licensee is not prepared to effectuate the increase in consonance with the other licensee. The rule is silent with respect to a staggered or deferred power increase. The Commission now recognizes that financial limitations or other factors

may preclude a simultaneous increase in the power of two short-spaced Class A stations, at least during a particular period of time. This can result in a significant problem. The Commission believes that there is an equitable solution to this dilemma, and accordingly adopts the following policy in such cases. Because most short-spacing cases do not involve minimal short-spacing (i.e., minimal spacing based on the former mutual maximum facilities of 3 kW @ 100 meters HAAT) some unilateral increase in power will generally be possible which will not lead to future conflicts or loss of service.

6. The new policy can be explained most clearly with an example. Let us presume that the short-spacing between two Class A stations is such that a mutual power increase to 4.0 kW and a HAAT of 100 meters would be possible with no contour overlap or disruption of existing service. The Commission will permit such a unilateral increase in power with the consent of the non-upgrading, short-spaced Class A licensee. This will permit a prompt enhancement of service of the station initially upgraded. Sometime later, circumstances may permit the upgrade of the other station, which can then be upgraded to a power of 4.0 kW and a HAAT of 100 meters. At such a point in time, the two short-spaced licensees could effect a new agreement to mutually upgrade to 6 kW, if both are able to do so. (This example is not intended to preclude the possibility of an initial upgrade agreement outlining the scenario described. In other words, both licensees could initially agree on an ultimate upgrade to 6 kW, with a unilateral upgrade to 4.0 kW in the short term.) In this way, the upgrade potential of both stations would be preserved and no interference would be caused to established service. The Agency emphasizes that while it will not deny a unilateral power increase to 6 kW on the part of a Class A station short-spaced to another Class A station, where the consent of the non-upgrading licensee is given, the consenting licensee should be fully aware of the consequences of such consent. This being the case, the Commission believes that most unilateral power increases on the part of one Class A station short-spaced to another will follow the procedure we have just described.

7. Next, there are stations that were first authorized after November 16, 1964, to use a transmitter site that does not meet the spacing distances formerly required for 3 kW Class A stations. Up until now, these stations have been permitted to increase power up to 3 kW at a HAAT of 100 meters, or equivalent power for a greater HAAT, at their present site. In addition to, or in conjunction with, the first option, they may change to a new site which maintains or increases the distance between the stations. They also may apply for a modification pursuant to the contour protection provisions of § 73.215. Finally, they may change site to increase the distance between the stations so that they meet the former 3 kW spacing requirements, or the existing 6 kW spacing requirements, in which case the options for those situations would be available.

8. The Commission wishes to clarify the status of Class A stations short-spaced after November 16, 1964. Section 73.213(c) implies that only those authorized Class A stations which became short-spaced as a result of the increased separation distances adopted in this rule making may be modified or relocated in accordance with that rule section. However, because all such facility increases are contingent upon the consent of affected cochannel and adjacent channel licensees, and because the Commission has allowed the grandfathered short-spaced stations authorized prior to November 16, 1964, the opportunity to increase power to 6 kW, it is eminently fair and equitable to allow up to 6 kW ERP for the remaining Class A stations that were short-spaced prior to the adoption of the *Second Report*. Therefore, the Agency is amending § 73.213(c) accordingly.

9. The question has also been posed as to whether Class A station licensees wishing to increase power in accordance with § 73.213 or § 73.215 should be able to maintain their existing coverage in short-spaced directions. DLR believes that a licensee seeking a power increase for a station that has existing overlap with another FM station, will have to reduce existing coverage in those directions where the prohibited overlap occurs. DLR suggests that such licensees would be penalized if they were required to reduce facilities to less than the equivalent of 3 kW and 100 meters in any direction as part of an overall power increase. The provisions in § 73.213 are intended to maximally protect the service of other short-spaced stations. Nevertheless, the Agency sees no reason why licensees seeking to enhance their service should forfeit service already established in directions where some overlap exists. Therefore, the Commission will permit facility enhancements sought pursuant to § 73.213 that retain current coverage in directions where overlap exists, provided no new predicted interference is created to the current service of any other short-spaced co-channel and adjacent channel licensees.

10. Another clarification involves § 73.207(b)(3), which states that under the Mexico-United States FM Broadcasting Agreement, Class A stations operating with more than 3 kW ERP and 100 meters HAAT are treated as Class B stations. The correct antenna height in accordance with that Agreement should be 91 meters HAAT. Section 73.207 is editorially amended to reflect the correct figure.

11. Lastly, § 73.207(b)(2), regarding the spacings to be used for U.S. stations relative to Canadian allotments and assignments, states in part that "* * * U.S. Class A assignments operating with more than 3 kW ERP and 100 meters antenna HAAT are considered to be Class B1." Similar language is found in § 73.207(b)(3) regarding spacings to Mexican allotments and assignments. The Commission notes that some applicants requesting facilities in excess of 3 kW ERP at 100 meters HAAT for new Class A stations located within 320 kilometers of the Canadian or Mexican borders have had their applications returned as unacceptable for filing. The Commission takes this opportunity to explain certain rules and the differences between applications for new facilities and those seeking to improve existing authorized facilities.

12. As explained in § 73.1650, FM authorizations are subject to compliance with Bi-lateral Agreements that the U.S. has with Canada and Mexico. These agreements define, among other things, classes of stations by power and height limitations and specify minimum distance separation requirements. For convenient reference, those separation requirements have been incorporated in § 73.307 as Tables B and C. Because some domestic classes are not defined in these agreements or may have different limitations, §§ 73.207(b) (2) and (3) explain what substitutions must be made *in order to apply the tables correctly.*

13. The two Bi-lateral Agreements each contain a table of allotments which associates classes of stations, as defined in the agreement, with specific channels and communities. As a consequence, allotments within 320 kilometers of the Canadian and Mexican borders are listed twice—once in our domestic table (§ 73.202) and once in the appropriate agreement.

14. A difficulty arises when a particular allotment is shown as Class A both in the domestic table and in either agreement. Domestically, the Class A limits are 6 kW at 100 m, but in the

Canadian and Mexican agreements they are 3 kW at 100 m and 3 kW at 91 m respectively. Before the Commission authorizes Class A facilities in a border zone which specifies values that exceed the 3 kW at 100 m or 3 kW at 91 m limitation, the Agency must first obtain the concurrence of Canada or Mexico to modify the appropriate bi-lateral table (but not the domestic table), so as to change the allotment to Class B1 (Canada) or Class B (Mexico). Of course, the allotment must meet the B1 or B distance separations with respect to foreign allotments and assignments.

15. In the case of a vacant Class A allotment in a border zone, an interested party may request the FCC to obtain Canadian or Mexican concurrence to upgrade the allotment to B1 or B in the appropriate bi-lateral table. It will remain a Class A allotment in the domestic table and no applications exceeding 3 kW at 100 m (or 3 kW at 91 m) will be accepted for that allotment until international coordination is completed. In the case of an existing Class A authorization in a border zone, the licensee may simultaneously file an application which specifies facilities in excess of 3 kW at 100 m (or 3 kW at 91 m), and a request for the Commission to obtain international consent to a modification of the bi-lateral table. The application will not be processed until the international coordination is resolved.

16. Applications for a vacant Class A allotment which specifies facilities in excess of 3 kW at 100 m within the Canadian border zone or 3 kW at 91 m within the Mexican border zone are not acceptable for filing unless the table of allotments in the applicable agreement has already been changed to a higher class. Further, applications for vacant allotments which do not conform to a bi-lateral table but which are accompanied by requests for negotiations to amend the bi-lateral table also are not acceptable for filing.

17. In the interest of fairness to competing applicants and other affected parties, and in order to expedite service to the public, the Commission's "hard look" processing standards adopted in the Report and Order in MM Docket No. 84–750, 50 FR 19936 (May 13, 1985), specify that applications must be acceptable for filing at the close of the amendment as of right period. A request that the Commission seek international clearance for an application not filed in accordance with the applicable agreement is, in essence, a request for waiver of the Agency's "hard look" processing requirements. In the case of multiple applicants for an allotment, such waiver would be unfair to the other applicants who fully complied with the acceptability criteria. Additionally, even for single applicants for new stations, there is no guarantee that negotiations would be successful and, even if successful, the undue delay involved in obtaining clearance and, thus, implementing new service to the community could be substantial. Requests for negotiations on behalf of existing stations, however, do not trigger similar detrimental public interest consequences and will therefore be held on file pending the outcome of such negotiations. The Commission notes that once an applicant for a new station receives a construction permit, an application for a power increase accompanied by a request for negotiations may be filed.

Final Regulatory Flexibility Analysis Statement

18. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that this decision will have a positive impact on a substantial number of small entities because it will somewhat reduce the showing required by applicants for short-spaced Class A FM stations.

19. Accordingly, it is ordered that the petitions for Reconsideration and/or Clarification are granted as specified above and are denied in all other respects. It is further ordered that, pursuant to authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303, and effective July 15, 1991, part 73 of the Commission's rules is amended as set forth below.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Amendatory Text

47 CFR part 73 is amended as follows:

20. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

21. 47 CFR 73.207 is amended by revising the introductory text of paragraph (b)(3) to read as follows:

§ 73.207 Minimum distance separation between stations.

* * * * *

(b) * * *

(3) Under the Mexico-United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Mexican allotments and assignments by not less than the distances given in Table C, which follows. When applying Table C, U.S. Class C2, C3 and B1 allotments and assignments are considered to be Class B; U.S. Class C1 allotments and assignments are considered to be Class C; also, U.S. Class A assignments operating with more than 3 kW ERP and 91 meters antenna height above average terrain (or equivalent lower ERP and higher antenna HAAT based on Annex IV of the Agreement) are considered to be Class B.

* * * * *

22. 47 CFR 73.213 is amended by revising paragraphs (c), introductory text, and (c)(2) to read as follows:

§ 73.213 Grandfathered short-spaced stations.

* * * * *

(c) Short spacings involving at least one Class A allotment or authorization. Stations that became short spaced on or after November 16, 1964 (including stations that do not meet the minimum distance separation requirements of paragraph (c)(1) of this section and that propose to maintain or increase their existing distance separations) may be modified or relocated in accordance with paragraph (c)(1) or (c)(2) of this section, except that this provision does not apply to stations that became short spaced by grant of applications filed after October 1, 1989, or filed pursuant to § 73.215. If the reference coordinates of an allotment are short spaced to an authorized facility or another allotment (as a result of the revision of § 73.207 in the Second Report and Order in MM Docket No. 88–375), an application for the allotment may be authorized, and subsequently modified after grant, in accordance with paragraph (c)(1) or (c)(2) of this section only with respect to such short spacing. No other stations will be authorized pursuant to these paragraphs.

* * * * *

(2) Applications for authorization of Class A facilities greater than 3,000 watts ERP and 100 meters HAAT. Each application to operate a Class A station with an ERP and HAAT such that the reference distance would exceed 24 kilometers must contain an exhibit demonstrating the consent of the licensee of each co-channel, first, second or third adjacent channel station (for which the requirements of § 73.207 are not met) to a grant of that application. Each such application must specify a transmitter site that meets the applicable IF-related channel distance separation requirements of § 73.207. Applications that specify a new transmitter site which is short-spaced to

an FM station other than another Class A station which is seeking a mutual increase in facilities may be granted only if no alternative fully-spaced site or less short-spaced site is available. Licensees of Class A stations seeking mutual increases in facilities need not show that a fully spaced site or less short-spaced site is available. Applications submitted pursuant to the provisions of this paragraph may be granted only if such action is consistent with the public interest.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-14233 Filed 6-13-91; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 88-06, Notice 11]

RIN: 2127-AC43

Federal Motor Vehicle Safety Standards; Side Impact Protection—Light Trucks, Buses, and Multipurpose Passenger Vehicles

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

ACTION: Final rule.

SUMMARY: This notice extends the quasi-static test requirements of Federal Motor Vehicle Safety Standard No. 214 to trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. These performance requirements, which currently apply only to passenger cars, mitigate occupant injuries in side impacts. Under this part of the standard, each side door is required to resist crush forces that are applied by a piston pressing a steel cylinder against the door's outside surface in a laboratory test. This rule is part of the NHTSA program to improve side impact protection for vehicle occupants.

DATES: The amendments made by this final rule to the Code of Federal Regulations are effective September 1, 1993. Petitions for reconsideration of this final rule must be filed by July 15, 1991.

ADDRESSES: Petitions for reconsideration of this final rule should refer to the docket and notice number of this notice and be submitted to Administrator, room 5220, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. It is requested that 10 copies be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Kanianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-2264).

SUPPLEMENTARY INFORMATION:

Background

NHTSA's standard for side impact protection is Federal Motor Vehicle Safety Standard No. 214. Since the standard became effective on January 1, 1973, it has specified performance requirements for each passenger car side door. The standard, through its provisions concerning side door strength, seeks to mitigate occupant injuries in side impacts by reducing the extent to which the side structure of a car is pushed into the passenger compartment during a side impact. The side door strength provisions of the standard require each door to resist crush forces that are applied by a piston pressing a steel cylinder against the door's outside surface in a laboratory test. The load is applied by means of a piston pressing a vertical steel cylinder against the middle of the door. The bottom of the cylinder is five inches above the lowest point of the door; the top of the cylinder extends above the bottom edge of the window opening by at least 0.5 inches. Car manufacturers have generally chosen to meet these performance requirements of the standard by reinforcing the side doors with metal beams.

NHTSA's analysis of crash data has shown that the strengthening of passenger car side doors with the beams is effective, but primarily in single car side impacts. The agency's November 1982 study, "An Evaluation of Side Structure Improvements in Response to Federal Motor Vehicle Safety Standard No. 214," (DOT HS 806-314) estimated that 480 lives have been saved and 9,500 fewer hospitalizations have occurred per year as a result of the standard. The study also found that while single vehicle side impact occupant fatalities were reduced by 14 percent, the standard had little effect on reducing fatalities in multi-car side impact collisions.

During the past several years, NHTSA has been involved in a number of efforts to upgrade Standard No. 214, both in developing new dynamic procedures and requirements for passenger cars and in extending applicability of the long-established quasi-static passenger car requirements to trucks, buses and multipurpose passenger vehicles (MPV's) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less (light trucks, vans and MPV's, or "LTV's").

For passenger cars, on October 30, 1990, NHTSA published in the **Federal Register** (55 FR 45722) a final rule adding dynamic test procedures and performance requirements to Standard No. 214. The final rule requires that a passenger car must provide protection in a full-scale crash test in which the car (known as the "target" car) is struck in the side by a moving deformable barrier simulating another vehicle. Instrumented test dummies are positioned in the target car to measure the potential for injuries to an occupant's thorax and pelvis.

Also, on August 19, 1988, the agency published in the **Federal Register** (53 FR 31712) an advance notice of proposed rulemaking (ANPRM) concerning requirements for passenger cars intended to reduce the risk of head and neck injuries and ejections, in side impact crashes between vehicles and in other crashes where the protection provided by the side of the vehicle is a relevant factor. The ANPRM also sought comments on whether additional requirements should be considered to address side impacts with poles and trees.

NHTSA's efforts to extend side impact requirements to LTV's largely parallel its efforts with respect to passenger cars. On August 19, 1988, the agency published in the **Federal Register** (53 FR 31716) an ANPRM regarding possible requirements for LTV's in each of the areas where requirements have been established, or are under consideration, for passenger cars. The ANPRM addressed: (1) Extension to LTV's of Standard No. 214's existing static procedures and performance requirements, i.e., measuring crush strength performance in terms of the ability of each door to resist a piston pressing a rigid steel cylinder inward against the door, (2) developing dynamic test procedures and performance requirements for LTV's, similar to those proposed in the January 1988 NPRM for passenger cars, and (3) developing requirements for LTV's intended to reduce the risk of head and neck injuries and ejections, similar to those addressed in the August 1988 ANPRM for passenger cars.

Of the various potential side impact requirements for LTV's that were addressed in the ANPRM, NHTSA is the most advanced with respect to the extension of Standard No. 214's existing side door strength requirements to these