

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 28, 1997.

Peter Caulkins,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.472, in paragraph (d), by adding alphabetically the following entry to the table:

§ 180.472 Imidacloprid; tolerances for residues.

Commodity	Parts per million	Expiration/Revocation Date
Vegetables, Cucurbits	0.2	March 31, 1998

[FR Doc. 97-6654 Filed 3-18-97; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1, 2, 27, and 97**

[GN Docket No. 96-228; DA 97-548]

The Wireless Communications Service ("WCS")

AGENCY: Federal Communications Commission

ACTION: Final rule; petitions for reconsideration.

SUMMARY: On March 13, 1997, the Wireless Telecommunications Bureau of the Federal Communications Commission released a Public Notice establishing an expedited pleading cycle for oppositions and replies to oppositions to two petitions for reconsideration of the Commission's Report and Order establishing rules and policies for a new Wireless Communications Service ("WCS") in the 2305-2320 and 2345-2360 MHz bands. The Public Notice summarizes the petitions for reconsideration and

announces that oppositions to the petitions for reconsideration are due on or before March 21, 1997, and that replies to oppositions to the petitions for reconsideration are due on or before March 25, 1997.

DATES: Oppositions are due on or before March 21, 1997. Replies to oppositions are due on or before March 25, 1997.

FOR FURTHER INFORMATION CONTACT: Josh Roland or Matthew Moses, Wireless Telecommunications Bureau, (202) 418-0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice released on March 13, 1997. The complete Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and also may be purchased from the Commission's copy contractor, International transcription Services, (202) 857-3800, 2100 M Street, N.W., Washington, D.C. 20037. The complete Public Notice is also available on the Commission's Internet home page (<http://www.fcc.gov>).

Summary of the Public Notice

Expedited Pleading Cycle Established for Oppositions and Replies to Oppositions to Petitions for Reconsideration Filed by the Wireless Cable Association International, Inc. and by PACS Providers Forum and DigiVox Corporation

March 13, 1997.

Oppositions Due: March 21, 1997.

Replies to Oppositions Due: March 25, 1997.

The Federal Communications Commission has received two petitions for reconsideration of the Commission's *Report and Order* reallocating the frequencies at 2305-2320 and 2345-2360 MHz and establishing auction and service rules for the Wireless Communications Service ("WCS"). See *Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service*, GN Docket No. 96-228, Report and Order, FCC 97-50, 62 FR 9636 (March 3, 1997) ("WCS Report and Order"). The Commission's action in adopting these rules was taken in response to the Congressional mandate expressed in Section 3001 of the Omnibus Consolidated Appropriations Act, 1997, that the Commission reallocate and assign the use of these frequencies by means of competitive bidding commencing no later than April 15, 1997. See Omnibus Consolidated Appropriations Act, 1997, Public Law 104-208, 110 Stat. 3009 (1996).

On March 10, 1997, the Wireless Cable Association International, Inc. ("WCA") filed a "Petition for Expedited Reconsideration" of the WCS Report and Order. WCA requests that the Commission reconsider its decision not to impose any technical restrictions on WCS licensees designed to prevent interference with Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") operations in the 2150-2162 and 2500-2690 MHz bands. WCA states that it is necessary to limit WCS radiated power to 20 watts EIRP in order to avoid blanketing interference which could adversely effect MDS and ITFS operations throughout the United States. Interested parties should address the appropriateness of the proposed power limitation and its potential effect on prospective WCS operations. In addition, it would be useful to have commenters' views on whether a different power limit than that proposed by WCA would be more appropriate, and alternatively on whether and in what circumstances, in the absence of a specific power limit, a WCS licensee should be required to take remedial action if blanketing interference to MDS or ITFS reception is demonstrated.

On March 11, 1997, PACS Providers Forum ("PPF") and DigiVox Corporation ("DigiVox") jointly filed a "Petition for Expedited Reconsideration" of the WCS Report and Order urging the Commission to reconsider the out-of-band emission limits adopted for WCS. Specifically, PPF and DigiVox argue that the out-of-band emission limits for WCS are unnecessarily stringent, and that lower limits would permit a greater number of potential uses for the WCS spectrum while at the same time protecting satellite DARS operations in adjacent spectrum. In addition to requesting lower out-of-band emission limits generally, PPF and DigiVox propose that the Commission adopt additional operating parameters for certain operations in the WCS A and B blocks, such as Personal Access Communications Systems ("PACS"). Commenters are requested to address whether lower out-of-band emission limits would adequately protect satellite DARS operations from interference caused by WCS operations, and whether requiring low-power services such as PACS to employ the proposed parameters when operating in WCS spectrum would mitigate the need for the out-of-band emission limits adopted in the WCS Report and Order.

In an effort to rapidly resolve these matters given the statutory deadline of April 15, 1997, for commencement of

competitive bidding in the WCS auction, the Wireless Telecommunications Bureau is establishing an expedited pleading cycle. See 47 CFR 1.429 and 47 CFR 1.3 (providing that Commission rules may be suspended, revoked, amended or waived for good cause shown).

Parties should file oppositions to the petitions by Friday, March 21, 1997, and replies to oppositions by Tuesday, March 25, 1997, with the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. In addition, two copies should be hand delivered to: (1) Auctions Division, Wireless Telecommunications Bureau, Room 5322, 2025 M Street, N.W., Washington, D.C. 20554, attention: Josh Roland; and (2) Office of Engineering and Technology, Suite 480, 2000 M Street, N.W., Washington, D.C. 20554, attention: Tom Mooring. In addition, parties filing oppositions to the petitions must hand deliver copies to the relevant petitioner, and replies must be hand delivered to the opponents. Copies of the petitions, comments and reply comments may be obtained from the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C., 20037, (202) 857-3800. Copies are also available for public inspection during regular business hours in Room 5608, 2025 M Street, N.W., Washington, D.C. 20554. When requesting copies, please refer to DA 97-548.

The Commission will treat this proceeding as non-restricted for purposes of the Commission's ex parte rules. See generally 47 CFR 1.1200-1.1216. For further information contact Josh Roland or Matthew Moses, Auctions Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Tom Mooring, Office of Engineering and Technology, at (202) 418-2450.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-7015 Filed 3-18-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 114]

RIN 2127-AG59

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Final rule.

SUMMARY: NHTSA is temporarily amending the agency's occupant crash protection standard to ensure that vehicle manufacturers can quickly depower all air bags so that they inflate less aggressively. The agency is taking this action to provide an immediate, but interim, solution to the problem of the fatalities and injuries that current air bag designs are causing in relatively low speed crashes to small, but growing numbers of children, and occasionally to adult occupants.

DATES: *Effective Date:* The amendments made in this rule are effective March 19, 1997.

Incorporation by reference. The incorporation by reference of a publication listed in the regulation is approved by the Director of the Federal Register as of March 19, 1997.

Petitions: Petitions for reconsideration must be received by May 5, 1997.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For information about air bags and related rulemakings: Visit the NHTSA web site at <http://www.nhtsa.dot.gov> and select "AIR BAGS: Information about air bags."

For non-legal issues: Mr. Clarke Harper, Chief, Light Duty Vehicle Division, NPS-11, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2264. Fax: (202) 366-4329.

For legal issues: J. Edward Glancy, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992. Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background.

A. Air Bags: Safety Issues.

B. Current Requirements for Air Bags.

II. Overview and Summary.

III. January 1997 Depowering Proposal.

IV. Summary of Comments.

V. Agency Decision.

A. Should NHTSA amend Standard No.

208 to permit/facilitate depowering?

B. 80 g's chest injury criterion vs. sled test.

C. Application of the amendment to driver air bags.

D. Duration of amendment.

E. Benefits and trade-offs.

F. Specific sled test requirements/procedures.

1. Neck injury criteria.

2. Testing whole vehicles or partial vehicles.

3. "Corridor" for crash pulse.

4. Air bag activation.

5. Test attitude.

6. Completion of sled test.

G. Miscellaneous Issues.

1. Multistage manufacturer certification.

2. Effective date.

VI. Rulemaking Analyses and Notices.

I. Background

A. Air Bags: Safety Issues

Air bags have proven to be highly effective in reducing fatalities from frontal crashes, the most prevalent fatality and injury-causing type of crash. Those crashes result in 64 percent of all driver and right-front passenger fatalities.

NHTSA estimates that, between 1986 and February 15, 1997, air bags have saved 1,828 drivers and passengers (1,639 drivers and 189 passengers). Based on current levels of effectiveness, air bags will save more than 3,000 lives each year in passenger cars and light trucks when all light vehicles on the road are equipped with dual air bags. This is based on current safety belt use rates (about 68 percent, according to State-reported surveys).¹ Using this assumption, more than two-thirds of the persons saved would be persons not using any type of safety belt.

At the same time, air bags are causing fatalities in some situations, especially to children. As of February 15, 1997, NHTSA's Special Crash Investigation program had identified 38 crashes in this country in which the deployment of the passenger air bag resulted in fatal injuries to a child. Two adult passengers have also been fatally injured. On the

¹ Some State surveys are limited to passenger cars. The agency's latest National Occupant Protection Use Survey, a probability-based study of safety belt use in all vehicles types, indicates a current use rate of 58 percent. Another survey will be conducted in 1997.