

47 CFR Part 73

[MM Docket No. 88-607; RM-6488]

**Radio Broadcasting Services;
Ashtabula, OH****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Commission, at the request of Rod A. Callahan, allots Channel 252A to Ashtabula, Ohio, as the community's second local FM service. Channel 252A can be allotted to Ashtabula in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.0 kilometers (3.7 miles) northeast to avoid a short-spacing to Station WNCX, Channel 253B, Cleveland, Ohio. The coordinates for this allotment are North Latitude 41-54-27 and West Longitude 80-43-52. Canadian concurrence has been received since Ashtabula is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective November 6, 1989. The window period for filing applications will open on November 7, 1989, and close on December 7, 1989.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-607, adopted August 22, 1989, and released September 20, 1989. 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, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

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 FM Table of Allotments is amended for Ashtabula, Ohio, by adding Channel 252A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-22591 Filed 9-22-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-26; RM-6518]

**Radio Broadcasting Services; Sisters,
OR****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Commission, at the request of Scheyler H. Martin, allots Channel 281A to Sisters, Oregon, as the community's first local FM service. Channel 281A can be allotted to Sisters in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 44-17-30 and West Longitude 121-33-06. With this action, this proceeding is terminated.

DATES: Effective November 6, 1989. The window period for filing applications will open on November 7, 1989, and close on December 7, 1989.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-26, adopted August 22, 1989, and released September 20, 1989. 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, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

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 FM Table of Allotments is amended by adding the following entry, Sisters, Oregon, Channel 281A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-22592 Filed 9-22-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety
Administration****49 CFR Part 571**

[Docket No. 88-24; Notice 02]

RIN 2127-AC06

**Federal Motor Vehicle Safety
Standards; Head Restraints****AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.**ACTION:** Final rule.

SUMMARY: This final rule extends the applicability of Standard No. 202, *Head Restraints*, to trucks, multipurpose passenger vehicles (MPV's) and buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. National estimates of accident data for 1982-85 indicate that approximately 17,800 whiplash injuries occurred annually to front seat occupants 15 years and older in light trucks and vans involved in rear impacts. 4.6 percent of all occupants in light trucks in reported rear impacts suffered whiplash injuries and 34.4 percent of those injured in rear impacts suffered whiplash injuries. Limiting the rearward motion of an occupant's head in a rear impact crash by a head restraint should help reduce those injuries since research has demonstrated the effectiveness of Standard No. 202 in reducing whiplash injuries.

DATES: The effective date of changing the Code of Federal Regulations to reflect the amendments in this notice is November 9, 1989. Petitions for reconsideration must be received by October 25, 1989. The expanded application of the standard takes effect September 1, 1991. Each truck, bus and multipurpose passenger vehicle that is manufactured on or after that date, and has a gross vehicle weight rating of 10,000 pounds or less, must comply with the requirements of the standard.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number of the notice and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration,

400 Seventh Street SW., Washington, DC, 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, NRM-12, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC, 20590. Telephone: (202) 366-4917.

SUPPLEMENTARY INFORMATION: On December 13, 1988 (53 FR 50047), the agency proposed extending the applicability of Standard No. 202, *Head Restraints*, to trucks, buses and multipurpose passenger vehicles (MPV's) with a gross vehicle weight rating of 10,000 pounds or less. (This notice will occasionally use the term "light trucks and vans" to refer to trucks, MPV's and buses with a GVWR of 10,000 pounds or less.) The agency's proposal responded to a petition for rulemaking from Mr. Dale T. Fanzo requesting that NHTSA require head restraints "on vehicles other than passenger cars," and a petition from Mr. Mark Goodson requesting that NHTSA issue a safety standard that would "minimize spinal, cerebral, cranial, and vertebral injuries that occur when light trucks . . . are involved in rear end collisions." Specifically, Mr. Goodson suggested that the glazing material used for the rear window in light trucks should have "safety features so as to minimize compression of the head and spine due to striking the rear glass." The agency proposed a September 1, 1991 effective date for the amendment.

The standard

Standard No. 202 reduces the frequency and severity of neck injuries in rear impacts and other collisions by requiring a head restraint of a specified height, width and strength, for the driver position and the right front seating position. The restraint is intended to limit rearward motion of an occupant's head in a rear impact crash, thereby preventing whiplash injury due to hyperextension of the neck.

Whiplash injuries typically occur in the soft tissues (such as the intervertebral discs, ligaments and skeletal muscle) joining together the vertebrae that support the head (i.e., the cervical spine). Whiplash commonly occurs when the head is thrown suddenly rearward with a snap during a rear impact crash. Whiplash injuries may not be immediately apparent after the crash, and some crash victims may not develop symptoms of pain or discomfort until several days after the accident. Neck pain and stiffness are the most common whiplash symptoms. If the cervical nerves and spine are injured, the head, shoulder, arms or upper back

also could be affected. Whiplash can be difficult to cure because of differing physiological responses among victims. The symptoms can last several days, or can cause long term (i.e., a year or more) disability. Data indicate that whiplash victims miss an average of four days of work. (National Crash Severity Study, June, 1980.)

In general, motor vehicle manufacturers currently use two types of head restraints to meet the requirements of Standard No. 202. "Integral head restraints" use the design of the seat to meet Standard No. 202. Typically, they consist of a seat back that is extended high enough to meet the height requirement of the standard and a seat structure strong enough to withstand the required force levels. The integral head restraint is a nonadjustable or "automatic" device requiring no action on the part of the occupant, regardless of his or her height, to be effective. "Adjustable head restraints" consist of a separate cushion that is attached to the seat back, typically by sliding metal shafts. Adjustable head restraints provide sufficient vertical motion to accommodate different occupant seating heights.

In 1982, NHTSA published a report on the effectiveness and costs of Standard No. 202. ("An Evaluation of Head Restraints, Federal Motor Vehicle Safety Standard 202," NHTSA, February 1982.) The report showed that both integral and adjustable head restraints significantly reduce the overall injury risk in rear impact crashes. Integral restraints reduce the overall risk by approximately 17 percent, and adjustable restraints by 10 percent. (Integral restraints were found to be nearly twice as effective as adjustable head restraints because 75 percent of the latter are left in the lowest position by occupants. In that position, the adjustable head restraint does not adequately protect an occupant of average or greater height.)

The Proposal

NHTSA proposed extending Standard No. 202 to light trucks and vans because national estimates of accident data indicated that approximately 17,800 whiplash injuries occurred annually to front seat occupants 15 years and older in light trucks and vans involved in rear impacts. (NHTSA limited its evaluation to persons 15 years and older because current seat backs seem to be high enough to provide sufficient head support to most children younger than 15 years old.) Those data were for 1982-1985, when approximately 25 percent of the light trucks and vans were equipped

with front seat head restraints. 4.6 percent of all occupants in light trucks and vans in reported rear impacts suffered whiplash injuries and 34.4 percent of those injured in rear impacts suffered whiplash injuries. The agency tentatively concluded that these injury rates could be significantly reduced by applying Standard No. 202 to light trucks and vans. Further, accident data also indicated that there are 11,046 head injuries annually due to impacts with the rear window and/or window frame structure of pickup trucks. The agency thought that head restraints in light trucks might also prevent some minor head injuries to light truck occupants.

NHTSA also proposed extending the standard because increasing numbers of light trucks and vans are being used to transport passengers instead of or in addition to property. The Census Bureau's "Truck Inventory and Use Survey" shows that pickup truck use has changed from 1967 to 1982 from being 51 percent personal transportation to 66 percent personal transportation, and from 26 percent agricultural use to 12 percent agricultural use. NHTSA stated that the greater use of light trucks as passenger carrying vehicles is leading to increases in the number of light trucks and vans on the road, the number of persons transported in such vehicles, and consequently, the number of persons exposed to accident situations where whiplash and other injuries are likely to occur. In addition, the agency believed that as the use of light trucks and vans increases, and as the likelihood that an accident would occur involving a light truck or van increases, the overall number of rear impact collisions into these vehicles would increase.

Additional information on these and other matters discussed in this notice can be found in the agency's final regulatory evaluation, which analyzes in detail the impacts of this rulemaking action. This regulatory evaluation has been placed in Docket No. 88-24; Notice 2.

Based on an analysis of the comments received in response to the notice and other available information, NHTSA has decided to adopt the proposal and extend the applicability of the standard to light trucks and vans. The issues raised by the commenters and the reasons for the agency's decision are discussed below.

Support for the Extension

The commenters generally supported the proposed extension of the standard, although some commenters raised concerns about particular issues, such

the leadtime, permitting the use of fully integral restraints, and the effect of the standard on school buses.

Chrysler said that it supports the proposed extension and that it plans to have head restraints on all its pickups, vans and sport utility vehicles before the proposed effective date of September 1, 1991. Ford also supported the amendment, and stated that it had decided prior to issuance of the NPRM to include head restraints on all of its future light trucks and vans. Ford said it will achieve 100 percent compliance by the proposed effective date. General Motors said it does not oppose the proposal, but questioned whether head restraints would significantly reduce whiplash injuries in light trucks and vans. GM stated that it plans to provide head restraints or high back bucket seats as standard equipment on 80 percent of the projected sales volume of its light truck, van and utility model production for the 1992 model year. GM asked that NHTSA phase-in head restraint requirements for light trucks and vans to enable the manufacturer to meet the standard without having to design, test and install head restraints in vehicles slated to be discontinued after model year 1992, which comprise the remaining 20 percent of its projected sales volume.

The Insurance Institute for Highway Safety (IIHS) also supported the proposed extension, stating that the standard would significantly reduce neck and head injuries to front seat occupants in rear impact crashes. IIHS implied that the extension would be consistent with its longstanding position that passenger car standards should be applied to light trucks and vans. That commenter said that whiplash injuries are a major source of economic loss, due to the extended period of time whiplash victims suffer pain from their injury.

IIHS believed that "passenger carrying vehicles" should be required to have only integral (non-adjustable) head restraints, since these restraints are less expensive and more effective in reducing injuries than adjustable ones. This suggestion for an integral-only requirement was echoed by the American Insurance Association and Motor Voters. The American Insurance Association also asked that NHTSA consider requiring head restraints for rear seats.

NHTSA has decided to adopt the proposed extension to light trucks and vans to reduce whiplash injuries in those vehicles. NHTSA is not excluding any sub-classes of light trucks from the amendment (based on weight, size, type of use, etc.). No commenter supported such an exclusion when asked to

comment on the possibility of one in the NPRM. Further, the agency believes this amendment is practicable and meets the need for safety. The agency disagrees with GM that the agency does not have a reliable basis for assessing the effectiveness of head restraints in light trucks and vans. Since the injury mechanism and types of injuries are similar for passenger cars and light trucks, the effectiveness estimates should be similar. While the rear window in some light trucks may reduce whiplash injuries, a head restraint could reduce some of the head injuries resulting from head impacts with the rear window, and could reduce ejections through the rear window simply by reducing the area through which occupants are ejected.

The agency believes the amendment would not affect visibility significantly or in a way that affects safety. In its comment, Chrysler said that the loss in rearward visibility for short drivers will be minimal and will not depreciate motor vehicle safety to a measurable degree. Chrysler stated that the anatomy of the neck is such that the driver is able to look around his or her head restraint when looking to the rear, unless the head restraint is unusually wide. Further, Chrysler said the passenger-side head restraint generally is not a problem because it is usually in line with the B-pillar. No commenter raised concerns about potential loss of visibility.

NHTSA has excluded vehicles over 10,000 pounds GVWR from this amendment in light of the apparent absence of a safety need for such an extension. National accident data estimates for 1982-1985 indicate that occupants of trucks with a GVWR greater than 10,000 pounds received an annual average of 1,400 whiplash injuries (compared to an annual 17,800 whiplash injuries for occupants of light trucks in the same time period). Further, while NHTSA estimates that 14.8 percent of front seat occupants in passenger cars and 4.6 percent of front seat occupants in light trucks received whiplash injuries in rear end collisions, the whiplash injury rate for occupants of heavy trucks is only 2.5 percent. Since the whiplash injury rate for heavy trucks is relatively low, and because the agency is aware of no indications that heavy trucks are becoming more similar in appearance or use to passenger cars, the same considerations for applying Standard No. 202 to light trucks and vans do not apply to vehicles with GVWR's greater than 10,000 pounds.

NHTSA is not extending the standard to rear seats, in light of the few injuries (81 annually) found in the accident data

(compared to 17,800 whiplash injuries annually for light truck and van front seat occupants). No commenter provided information showing a need for extending the standard to the rear seating positions.

This extension excludes the right outboard front seating position on small school buses. The agency concludes that this seat should be excluded because passenger seats on small school buses must already meet their own seat back height and strength requirements under Standard No. 222, *School Bus Seating and Crash Protection*. It appears that a vast majority of the occupants of that seating position are children for whom current seat backs provide the type of head support that would be offered by a head restraint.

Mid Bus Inc., a school bus manufacturer, expressed concerns about the compatibility of a requirement for a driver's head restraint with the requirements for head impact protection under Standard No. 222. Standard No. 222 limits the acceleration and force distribution of impacts on "contactable surfaces" in the "head impact zone." Mid Bus said that a driver's head restraint on its vehicles would fall within the head impact zone for the passenger seated directly behind the driver. Consequently, Mid Bus said it would have to "repad or replace the driver's seat" to comply with both FMVSS Nos. 202 and 222. Mid Bus seemed to ask NHTSA to exempt a driver's seat meeting Standard No. 202 from the head impact protection requirements of Standard No. 222. (Mid Bus made unexplained references to its compliance with Standard No. 208 (*Occupant Crash Protection*) as reason for an exemption from the school bus head impact protection requirements. NHTSA believes the commenter meant to refer to Standard No. 202, not 208.)

NHTSA does not believe that the two standards are incompatible. There are current designs, such as high back seats, that could be used to meet both standards without having to reposition the driver's seat. NHTSA notes that head restraints on passenger cars are now included in the area of a seat back that must meet the head impact protection requirements of Standard No. 201, *Impact Protection in Interior Impact*. In order to comply with Standard No. 201's impact requirements, passenger car manufacturers install energy absorbing materials (e.g., padding) in the head restraint. (Standard No. 201's requirements for seat backs exclude school buses since head impact requirements are specified by Standard No. 222.) Since head restraints are

currently manufactured with padding or other energy absorbing material to meet head impact protection requirements, NHTSA believes it is practicable for school bus manufacturers to meet both Standard Nos. 202 and 222 without degrading school bus safety.

NHTSA is not requiring that head restraints be integral, as requested by several commenters. The desirability of such a requirement is outside of the scope of this rulemaking proceeding and need not be further addressed in this final rule. However, the agency will continue to monitor injuries in rear end crashes to determine if further rulemaking is desirable.

The regulatory language specified in this amendment differs from the NPRM, in that NHTSA has separated the requirements for light trucks and vans from the passenger car requirements. This change was intended only to clarify the standard; the standard is extended to light trucks and vans as proposed.

Rear Windows

NHTSA requested comments on a number of issues relating to Mr. Goodson's belief that the rear window in light trucks should provide protection against head and neck injuries resulting from impact with that window.

No commenter believed that the rear window would be an acceptable substitute for a head restraint. Several commenters provided information on whether the window could be made safer by means such as using laminated glass, or glass-plastic glazing. Commenters generally agreed with the agency that many parameters would influence the effectiveness of the rear windows, such as the size and shape of the glazing, the spatial relationships between the window and the occupant, the angle of installation and the window mounting. As NHTSA stated in the NPRM, the agency was not proposing to require improvements to pickup truck rear windows. However, the agency is researching glass-plastic glazing and may review issues relating to rear windows in the future, including information on potential costs and benefits associated with these windows.

Leadtime

The current availability of engineering and manufacturing resources needed to implement the proposed extension of Standard No. 202 is illustrated by the availability of head restraints as standard or optional equipment on roughly 64 percent of the 1986 light truck and van models. Commenters indicate that approximately 91 percent of the 1992 model year light truck and van fleet would have head restraints in the

absence of this amendment. No manufacturer showed that installation of head restraints is impracticable by the proposed effective date of the amendment.

The agency declines to phase in the requirements of the amendment as requested by GM. Phased-in requirements are extraordinary measures that are taken only for compelling reasons, such as consumer acceptability of a requirement (e.g., automatic restraints), none of which GM provided. Phased-in requirements are also more difficult to administer and enforce. Under requirements made applicable to all vehicles in a class of vehicles manufactured on or after the effective date, it is obvious from a vehicle's date of manufacture whether the vehicle must comply with the requirement. However, it is not obvious from the date of manufacture alone whether a vehicle must comply with a phased-in requirement.

GM implied that the effective date of the amendment should be delayed because the safety benefits of the rule are not significant enough to warrant the expenditure of resources to design, test and install head restraints in vehicles that will be discontinued in one or two years. NHTSA has sought to minimize the burdens of this rule on manufacturers to the extent possible by providing adequate leadtime. However, the agency has not said that *no* burdens would be imposed on manufacturers by this rule. In view of the safety benefits of this rulemaking and of the current availability of head restraints as standard or optional equipment on light trucks and vans, NHTSA believes that the burdens imposed on GM by the 1991 date are reasonable and practicable.

For the reasons given above, the agency has decided to adopt the September 1, 1991 effective date. NHTSA recognizes that most vehicles will be able to comply before that date. However, the agency finds good cause for an effective date later than one year from the date this rule has been issued to ensure that all vehicles can be modified as necessary by the September 1, 1991 date.

Costs and Benefits

NHTSA has examined the effect of this rule making action and determined that it is not major within the meaning of Executive Order 12291. It is, however, significant within the meaning of the Department of Transportation's regulatory policies and procedures because it concerns a matter in which there is great public interest. The economic effects of this rulemaking

action are discussed in detail in the regulatory impact analysis.

NHTSA estimates that the average cost per affected vehicle is approximately \$29.45 (\$22 per vehicle plus \$7.45 lifetime fuel penalty cost accounting for 7 additional pounds of weight per vehicle). Based on the estimated number of vehicles that will not have head restraints by the September 1, 1991 effective date (8.71 of the fleet), the estimated total consumer cost of the amendment is \$12.4 million. The agency estimates that this rulemaking action annually will reduce an estimated 510 to 870 injuries.

NHTSA requested information from commenters on whiplash injuries and their costs (including data relating to the cost of the more minor whiplash injuries and/or the cost of the more severe whiplash injuries, with some indication as to what percent of all whiplash injuries are represented by these costs). The agency explained that whiplash injuries are not like the typical AIS 1 (minor cuts or bruises) or even AIS 2 (moderate injuries—broken bones, etc.) injuries, because whiplash injuries often involve longer term pain and stiffness. These effects, along with rehabilitation therapy, often last a year or longer.

Information from Mr. Donald Segraves of the All-Industry Research Advisory Council indicate that nearly half (49.2 percent) of all injury claims paid by automobile insurance companies involve a reported neck sprain or strain. Neck sprain and strain were the most severe injury in about 19 percent of all injury claims paid. The total payment, including pain and suffering, for an average insurance claim for neck sprain or strain was \$2,943. (This information can be found in the docket to this rulemaking.)

Regulatory Flexibility Act

NHTSA has considered the effects of this rulemaking action under the Regulatory Flexibility Act. I hereby certify that it will not have a significant economic impact on a substantial number of small entities. The primary cost effect of this proposed rule will be on manufacturers of light trucks and vans, which are large corporations. Although some small businesses that supply the metal or padding parts for adjustable head restraints or the seats with integral head restraints may experience a greater demand for their products, the agency does not believe that these will be significant. Many van converters are small businesses that have, in the past, installed vehicle seats as part of their conversion processes. However, it appears that incomplete

Manufacturers (typically large manufacturers) are increasingly restricting the options available to final stage manufacturers concerning seat installation, for reasons unrelated to this rule (e.g., FMVSS No. 208 requirement for dynamic testing of light trucks). Thus, this rule is unlikely to have a significant effect on final stage manufacturers.

Small organizations and governmental units will not be significantly affected. Those entities may be purchasing new vehicles covered by today's final rule. While there might be a relatively small price increase for some vehicles, NHTSA does not anticipate any significant impacts for any small entity.

Environmental Effects

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12165 and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Information Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA amends 49 CFR part 571 as set forth below.

PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.202 [Amended]

2. Paragraph S2 of Standard No. 202, *Head Restraints*, is revised to read as follows:

* * * * *
 S2. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less.
 * * * * *

3. Paragraph S4 is revised to read as follows:

S4. *Requirements.*
 S4.1 Each passenger car shall comply with S4.3.

S4.2 Each truck, multipurpose passenger vehicle and bus with a GVWR of 10,000 pounds or less, manufactured on or after September 1, 1991, shall comply with S4.3.

S4.3 *Performance levels.* Except for school buses, a head restraint that conforms to either (a) or (b) shall be provided at each outboard front designated seating position. For school buses, a head restraint that conforms to either (a) or (b) shall be provided for the driver's seating position.

(a) It shall, when tested in accordance with S5.1, during a forward acceleration of at least 8g on the seat supporting structure, limit rearward angular displacement of the head reference line to 45° from the torso reference line; or

(b) It shall, when adjusted to its fully extended design position, conform to each of the following—

(1) When measured parallel to torso line, the top of the head restraint shall not be less than 27.5 inches above the seating reference point;

(2) When measured either 2.5 inches below the top of the head restraint or 25 inches above the seating reference point, the lateral width of the head restraint shall be not less than—

(i) 10 inches for use with bench-type seats; and

(ii) 8.75 inches for use with individual seats;

(3) When tested in accordance with S5.2, the rearmost portion of the head form shall not be displaced to more than 4 inches perpendicularly rearward of the displaced extended torso reference line during the application of the load specified in S5.2(c); and

(4) When tested in accordance with S5.2, the head restraint shall withstand an increasing load until one of the following occurs:

(i) Failure of the seat or seat back; or,
 (ii) Application of a load of 200 pounds.
 * * * * *

4. The introductory text of S5.1 is revised to read as follows:

* * * * *
 S5.1 Compliance with S4.3(a) shall be demonstrated in accordance with the following with the head restraint in its fully extended design position:
 * * * * *

5. The introductory text of S5.2 is revised to read as follows:

S5.2 Compliance with S4.3(b) shall be demonstrated in accordance with the following with the head restraint in its fully extended design position:
 * * * * *

Issued on September 19, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89-22499 Filed 9-20-89; 5:00 p.m.]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 80990-9187]

Shrimp Fishery of the Gulf of Mexico; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; correction.

SUMMARY: This document corrects the numbering of the figure in the regulatory text of the emergency interim rule for the Shrimp Fishery of the Gulf of Mexico which was published August 31, 1989 (54 FR 36035).

EFFECTIVE DATE: August 6, 1989, through November 3, 1989.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

In rule document 89-20467 beginning on page 36035 in the issue of August 31, 1989, make the following correction:

§ 658.22 [Corrected]

On page 36036, in the third column (part of the revised text of § 658.22(b)) in the last line of the first paragraph, and in the third line of item 3, of the amendatory language, "Figure 2 should read "Figure 1a". On page 36037, "Figure 2" should read "Figure 1a".

Dated: September 18, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 89-22478 Filed 9-22-89; 8:45 am]

BILLING CODE 3510-22-M