

of various types of high bit rate digital equipment with normal two-way voice communications in the 150 MHz bands.³

13. With respect to digital equipment operation in the remaining frequency bands (i.e., 30-50, 450-512 and 806-866 MHz) we propose to require that a showing be made, during the transmitter type acceptance process, that the radiated emission of any digital transmitter not equipped with the low pass audio filter specified in the rules, complies with the existing emission limitations.

14. Because of the complexity of the technical issues raised in this notice of proposed rulemaking, we have concluded that our consideration of requests for waiver of the rules to allow for the use of available digital voice equipment should be suspended, and that no additional digital voice systems should be authorized pending the outcome of this proceeding.

15. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before May 24, 1977, and reply comments on or before June 23, 1977. Relevant and timely comments and reply comments will be considered by the Commission before taking final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

³ Sachs/Freeman Associates, Inc. suggested that we handle the adjacent channel problem in the 150 MHz band by adopting the following limitations and coordination criteria:

1. Digital transmitter modulation should be by binary frequency shift keying (FSK) with the modulation index less than or equal to .75;

2. The 15 kHz adjacent channel minimum coordination distance of 35 miles referenced in §§ 89.15, 91.8 and 93.9 of the Commission's rules should be increased to 47 miles;

3. The 15 kHz adjacent channel minimum separation distance of 10 miles referenced in §§ 89.15 and 91.8 of the Commission's rules should be increased to 20 miles;

4. The 15 kHz adjacent channel minimum separation distance of 7 miles referenced in § 93.9 of the Commission's rules should be increased to 14 miles.

While we do not believe that different separation criteria for voice and these types of digital systems would be practical, we request comment on these suggestions as well.

⁴ See attached concurring statement of Commissioner Washburn.

I. Part 89 of the Commission's rules is amended as follows: (Similar rules will be adopted for Parts 91, 93 and 95 contingent upon the showing of need requested in the notice of proposed rulemaking.)

1. In § 89.15, a new paragraph (f) is added to read as follows:

§ 89.105 Types of emission.

(f) Stations utilizing digital voice modulation in either the unscrambled or scrambled mode will be authorized F3Y emission.

2. In § 89.109, paragraph (d) is revised and a new paragraph (j) is added to read as follows:

§ 89.109 Modulation requirements.

(d) Except as provided in paragraph (j) of this section, each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz shall be equipped with an audio low pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (h) or (i) of this section. The provisions of this paragraph do not apply to transmitters of licensed radio-communications systems operated wholly within the limits of one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, and 851 to 866 MHz.

(j) Each transmitter in the frequency ranges 25 to 50, 450 to 512, 806 to 821, and 851 to 866 MHz will be exempt from the audio low pass filter requirements of this section when type accepted for use with specific digital equipment. The application for type acceptance shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in § 89.107, when used with the specified digital equipment. When a transmitter is to be type accepted for both digital and analog use, the analog input shall be equipped with an audio low pass filter as provided in paragraph (d) of this section.

3. A new § 89.121, is added to read as follows:

§ 89.121 Provisions relating to the use of scrambling devices and digital voice modulation.

Analog and digital voice scrambling equipment, or devices used simply to digitally encode voice signals in accordance with a fixed and predetermined pattern, may be used in the Police Radio Service subject to the following limitations.

(a) Analog scrambling techniques may be employed at stations authorized the use of A3 or F3 emission.

(b) The use of digital scrambling techniques or digital voice modulation

may be used by stations using voice frequency modulation and requires the specific authorization of F3Y emission.

(c) The transmission of any non-voice information or data by stations under the authorization of F3Y emission is prohibited.

(d) Station identification shall be transmitted in the unscrambled analog mode (clear voice) in accordance with the provision of § 89.153.

MARCH 10, 1977.

CONCURRING STATEMENT OF COMMISSIONER
ABBOTT WASHBURN RE DIGITAL TRANS-
MISSION FOR MOBILE RADIO

The communications world is rapidly going to digital technology. Research, spurred primarily by Defense needs, has developed and refined narrowband digital voice techniques which achieve greater spectrum use efficiency at potentially lower future costs than FM. Even a cursory examination of the spectrum requirements of mobile radio submitted in preparation for the 1979 World Administrative Radio Conference (WARC) dictates that this Commission examine these new digital technologies carefully before committing large resources, principally radio frequency spectrum, to less efficient methods.

Accordingly, I would have preferred that this Notice address digital voice applications more positively and in a broader context. But because we have been assured by the staff that a broad comprehensive Notice will be forthcoming in several months, I concur in today's narrow approach to digital communications in the mobile radio services.

[FR Doc.77-8799 Filed 3-23-77;8:45 am]

DEPARTMENT OF
TRANSPORTATION

Office of Pipeline Safety Operations

[49 CFR Part 192]

[Notice 77-2; Docket No. OPSO 77-3]

TRANSPORTATION OF NATURAL AND
OTHER GAS BY PIPELINE

Conversion of Existing Pipeline to Gas
Service

AGENCY: The Materials Transportation Bureau's Office of Pipeline Safety Operations (OPSO).

ACTION: Proposed rule.

SUMMARY: This notice proposes to establish a new subpart N—Conversion of Existing Pipeline to Gas Service, within Part 192 of Title 49, Code of Federal Regulations. The Materials Transportation Bureau (MTB) has been petitioned by the Interstate Natural Gas Association of America (INGAA) to establish this new subpart.

Since Part 192 presently does not specifically address the subject of conversion, the current OPSO interpretation is that an existing pipeline in other service may be used to transport natural and other gas if it complies with § 192.13, or if a petition for waiver from compliance

with one or more of the Part 192 regulations as provided under section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)) has been approved (e.g. Cities Service Gas Company has petitioned MTB for a waiver from certain sections of 49 CFR Part 192 so that a crude oil pipeline can be converted to a natural gas transmission pipeline).

Section 192.13 requires that, "No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part." and that, "No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part."

Because most of the facilities that would be converted to gas service were constructed prior to the controlling dates of §192.13 in accordance with specifications and procedures applicable at the time they were installed, they cannot realistically comply with the design, construction, initial inspection, and initial testing requirements of Part 192. Therefore, the only alternative is to apply for numerous waivers from these requirements. In support of its petition INGAA asserts that it is not logical that OPSO or the operator be burdened and delayed by the processing of a large number of waiver requests especially if a regulatory procedure of general applicability can be developed which would permit expeditious conversion while at the same time providing the necessary levels of safety. INGAA further asserts that the adoption of such a procedure would greatly enhance the ability of the pipeline industry to deliver this much needed energy source to the public in a timely, economically, and environmentally sound manner, all of which is in the national interest.

DATES: Interested persons are invited to participate in this rulemaking action by submitting such data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in triplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. All communications received by May 5, 1977, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Docket Room, Materials Transportation Bureau, before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

MTB is considering making these proposed amendments to 49 CFR Part 192 effective upon their publication as

final rules. This would allow operators to take immediate advantage of a beneficial conversion procedure.

FOR FURTHER INFORMATION CONTACT:

Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590 (202-426-2392).

SUPPLEMENTARY INFORMATION: There are in existence thousands of miles of safely operating pipelines designed and constructed by earlier methods and standards than those acceptable for new pipeline constructed today. It would be unrealistic to suggest an arbitrary halt of their operation because of that fact. Also unrealistic would be a strict prohibition against conversion of these pipelines to other services simply because they are not designed and constructed to standards applicable to the new service in effect at time of conversion.

OPSO has never disputed the feasibility of safely converting existing pipelines to gas service. However, OPSO's present policy of permitting conversion and subsequent operation in gas service only after waiver from compliance with one or more of the Part 192 regulations has been approved is unnecessarily cumbersome and time-consuming. MTB believes that the new subpart proposed herein will facilitate timely conversion of existing pipelines to gas service and assure the safe operation of such pipelines in their new service.

The proposed subpart conditions the conversion of existing pipeline to and subsequent operation in gas service on the operator taking specified actions. In general they are, in conformance with a written procedure, reviewing the design and construction and the operating and maintenance history of the pipeline and, based on that review, making any repairs, replacements, or alterations that are necessary for safe operation and then performing leak and strength tests appropriate for the intended service as added assurance that the pipeline will be serviceable and then commencing operations in accordance with the pre-planned procedure. The fact that a converted line will be placed in gas service, and consequently be subject to Part 192, immediately requires that it be operated and maintained in accord with that part. With one exception relating to corrosion control, the proposed subpart requires such compliance.

Gas being a compressible fluid can release considerable amounts of energy upon sudden release of gas pressure. In order to establish a greater margin of safety for gas pipelines in areas of more dense population (determined by class location), 49 CFR Part 192 requires that gas pipelines be designed to a more conservative safety margin and more stringently tested. As a result, class locations on an existing gas pipeline often require that the pipeline be operated at a lower stress level. Therefore, new Subpart N would require that class location surveys be made in accord with Part 192 to determine if the proposed operating

pressure of the converted line would be consistent with the stress limitations for the particular class locations. If not consistent, proposed § 192.805(b)(3) would require the operator to lower the pressure appropriately or replace pipeline in areas where the proposed stress level is above the limitations.

Gas pipelines depend on combinations of pipe strength, testing level, welding techniques, dimensional requirements, geographic location, etc., to establish the maximum allowable operating pressure (MAOP). Regardless of the previous service of a pipeline, these factors can still be used to establish the MAOP. As an example, a liquid pipeline built to a standard specifying use of a 72% design factor can be used in gas service at the same design factor where the area of operation is a Class 1 location (see 49 CFR 192.5 for determination of class location). However, that same pipeline would be required to be derated or be replaced where operation is in a Class 2, 3, or 4 location. This is consistent with requiring immediate compliance with Part 192 operating standards once the converted line is placed in gas service. Additionally, operation under Part 192 would subject the converted line to the same requirements as existing gas lines in relation to future changes in Class location.

The conversion of pipelines from liquid service to gas transmission service was the subject of discussion in the meeting of the Technical Pipeline Safety Standards Committee (TPSSC) held on December 16 and 17, 1976. The TPSSC expressed considerable concern regarding the need for establishing conversion procedures and recommended that MTB take expeditious action to provide a regulatory mechanism to facilitate these conversions rather than have to evaluate waivers on a case-by-case basis. A subcommittee of the TPSSC was convened to make recommendations for a proposed rule change in this regard, and the TPSSC developed proposed revisions to the regulations that are basically similar to those made by INGAA.

In considering the INGAA petition and the additional recommendation of the TPSSC, MTB noted that:

(1) Pipelines may be converted from any prior service, including unregulated pipelines which may have poor or non-existent records of the operating service history.

(2) Unregulated pipelines operating in a Class 1 location would be more likely to have faults or leaks ignored in some uses that when converted could result in hazardous gas leakage.

(3) In operation as a liquid pipeline, the pressure gradient along the pipeline is considerably different than would be the case with the same pipeline in gas service.

(4) The sharper drop in pressure downstream from a liquid pipeline pumping station and the effects of elevation changes can result in operation of some segments of a liquid pipeline at much lower average pressures than would be anticipated for an equal input pressure from a gas compressor station.

The average pressure on a specific section of pipeline could also be changed by changed location of the compressor station compared to the liquid pumping station.

To detect flaws that may exist in the pipeline being converted as a result of unknowns relating to prior construction and operation, MTB believes that the most economical and effective means is a strength-proof test at a sufficiently elevated pressure to breakout points of potential failure. Such a test should be sufficiently more severe than the planned operation in order to detect and cause to be removed any flaw serious enough to give difficulty during service. MTB believes that the requirement of the INGAA proposal that testing in a Class 1 location at 1.1 times the intended MAOP is not severe enough to provide the degree of assurance appropriate where there are such unknowns as discussed above. Therefore, MTB proposes that the minimum test pressure should be at least 1.25 times the intended MAOP. This would only affect the testing in Class I locations since the Class 2, 3, and 4 factor is already equal to or greater than 1.25. For these same reasons MTB does not consider a strength-proof test made more than five years prior to the conversion to gas service as a valid test for the new service. (Although the testing of a converted pipeline in accord with Part 192 within five years prior to commencing gas operations is an acceptable alternative under proposed § 192.805(b)(4), the MAOP of the pipeline would still have to be determined in accord with the provisions of proposed § 192.809(b).)

MTB has revised the recommendation in the INGAA petition, and the recommendation made by the TPSSC, to require testing at this higher pressure for Class I locations.

It is being proposed that new Subpart N apply only to the conversion of steel pipelines to gas service. MTB has determined to limit the proposal in this way because the effects of products which may have been carried are better known on steel than on other materials such as plastic and aluminum and comprehensive industry standards for design, construction, and operation of steel pipelines have been in general use for a much longer period of time than for other materials; thus, the condition of a given steel pipeline would be more predictable and lead to greater assurity that, upon conversion to gas service, it can be operated safely.

Because the proposed procedures apply only to steel pipelines, the conversion to gas service of pipelines constructed of material other than steel will continue to require specific approval by OPSO.

It appears that the INGAA petition sought to permit conversion to gas service of only those pipelines that were constructed to specifications acceptable for gas service at time of construction (even though used in other than gas service). However, the applicability of the proposed subpart is not limited in this way, but rather, would permit any existing steel pipeline to be converted if each re-

quirement of the subpart is complied with. The public is specifically requested to provide OPSO with any comments relevant to this applicability issue.

Also proposed herein are amendments to 49 CFR 192.13 (a) and (b). By proposing the new Subpart N as discussed above, the currently controlling dates in § 192.13 would become inappropriate in relation to compliance with that new subpart. The proposed amendments would eliminate that conflict.

IMPACT EVALUATION: MTB has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821, as amended on OMB Circular A-107.

PRINCIPAL AUTHORS OF THIS PROPOSAL: Frank E. Fulton and Robert L. Beaugard.

In consideration of the foregoing, MTB proposes that Part 192 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By revising paragraphs (a) and (b) of § 192.13 to read as follows:

§ 192.13 General.

(a) Except as provided in Subpart N of this part, no person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part.

(b) Except as provided in Subpart N of this part, no person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part.

2. By adding to the table of contents, between "§ 192.753 Caulked bell and spigot joints." and "Appendix A—Incorporated by reference." the following entries:

Subpart N—Conversion of Existing Pipeline to Gas Service	
Sec.	
192.801	Scope.
192.803	General.
192.805	Determining integrity of pipeline.
192.807	Operation and maintenance.
192.809	Maximum allowable operating pressure.

3. By adding a new Subpart N immediately following existing Subpart M to read as follows:

Subpart N—Conversion of Existing Pipeline to Gas Service

§ 192.801 Scope.

This subpart prescribes minimum requirements for converting steel pipelines from service not subject to this part to service subject to this part. Conversion to service subject to this part of existing pipeline constructed of material other than steel requires specific approval by the Secretary.

§ 192.803 General.

(a) As used in this subpart "convert a pipeline," "converting a pipeline," or "conversion of a pipeline," means to change an existing steel pipeline or segment of existing steel pipeline from service not subject to this part to service subject to this part.

(b) After (effective date) no person may convert a pipeline unless each requirement of this subpart is complied with.

(c) Each operator who intends to convert a pipeline shall establish and implement a written procedure for that pipeline that will ensure compliance with each requirement of this subpart.

(d) Each operator who converts a pipeline shall retain for the life of that pipeline a record of each investigation required by this subpart, of all modifications performed, and of each test conducted in connection with the conversion.

§ 192.805 Determining integrity of pipeline.

(a) No person may operate a converted pipeline unless the requirements of this section have been met.

(b) Before converting a pipeline, the operator shall—

(1) Make a class location survey as required under this part.

(2) For purposes of verifying whether the proposed conversion will be consistent with this part, review the design, construction, operation, and maintenance history of the pipeline and determine the physical condition of the pipeline by examination of appropriate maintenance and corrosion control records and visual inspection and, if sufficient records are not available, conduct new tests to verify whether the proposed conversion will be consistent with this part.

(3) Make any repairs, replacements, or alterations that are necessary for operation under this part. Such repairs, replacements, or alterations must be made in accord with this part.

(4) Perform the leak and strength tests on the pipeline that are prescribed in Subpart J of this part, unless testing of the pipeline has been performed in a manner equivalent to this Part 192 within the five years prior to conversion. Such testing shall be done at the minimum pressure necessary for the class location determined under this part but not less than 1.25 times the MAOP.

§ 192.807 Operation and maintenance.

(a) Except as provided in § 192.800 and paragraph (b) of this section, each operator of a converted pipeline shall maintain and operate that pipeline in compliance with this part.

(b) Within 12 months after a converted pipeline is put in service, the operator of that pipeline shall comply with the corrosion control requirements of Subpart I of this part.

§ 192.809 Maximum allowable operating pressure.

(a) No person may operate a converted pipeline at a pressure higher than

the maximum allowable operating pressure.

(b) For purposes of this section, maximum allowable operating pressure is equal to the lower of—

(1) Test pressure (based on the pressures tests prescribed in § 192.805(b) (4)) divided by 1.25; or

(2) Test pressure (based on the pressure tests prescribed in § 192.805(b) (4)) divided by the factors permitted under paragraphs (a) and (b) of § 192.619 and subject to the limitations of § 192.611.

(49 U.S.C. 1672, 49 CFR 1.53(a) and paragraph (b) (2) of Appendix A to Part 102.)

Issued in Washington, D.C., on March 18, 1977.

CESAR DELEON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc.77-8682 Filed 3-23-77;8:45 am]

Federal Highway Administration
[49 CFR Part 393]

[Docket No. MC-75-2; Notice 77-2]

PARTS AND ACCESSORIES NECESSARY FOR SAFETY OPERATION

Proposed Fire Resistance Test for Nonmetallic Fuel Tanks; Extension of Comment Period

• *Purpose.* This Notice extends the closing date for comments on Docket No. MC-75, Proposed Fire Resistance Test for Nonmetallic Fuel Tanks, from February 1, 1977, to May 1, 1977. •

A notice of proposed rulemaking published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52500), proposed a fire resistance test for nonmetallic fuel tanks to be used on vehicles engaged in interstate or foreign commerce. The comment period was to have ended on February 1, 1977.

Several commenters to Docket No. MC-75 have requested a 90-day extension on the comment period in order for them to conduct a series of tests comparing the safety of nonmetallic fuel tanks designed for commercial vehicles with the safety of conventional metallic fuel tanks.

The Federal Highway Administration's Bureau of Motor Carrier Safety needs the benefit of as much factual data as possible before making a decision as to minimum safety criteria for authorizing use of nonmetallic fuel tanks on commercial vehicles. Accordingly, the closing date for comments on Docket No. MC-75 is hereby extended until May 1, 1977.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304), sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.)

Issued on March 16, 1977.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.77-8858 Filed 3-23-77;8:45 am]

National Highway Traffic Safety
Administration

[49 CFR Part 571]

[Docket No. 74-14; Notice 03]

OCCUPANT CRASH PROTECTION

Alternatives for Passenger Cars

AGENCY: Department of Transportation.

ACTION: Proposed Rule.

SUMMARY: This notice proposes three alternatives for the provision of occupant crash protection in future passenger cars: The existing requirements of Standard No. 208 that are commonly satisfied by seat belt assemblies; the provision of occupant crash protection that is "passive," i.e., requires no action (such as the fastening of a seat belt) by vehicle occupants to be effective; or the implementation of mandatory seat belt use laws throughout the country to gain the protection available from the seat belt assemblies already provided in virtually all passenger cars and light trucks.

DATES: Comments must be received on or before May 27, 1977. Proposed effective date: Sept. 1, 1980. Hearing: April 27, 1977. Deadline for submission of application for financial assistance: April 4, 1977.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Frank Berndt, Acting Chief Counsel,
National Highway Traffic Safety Administration, Washington, D.C. 20590
(202 426-9511)

SUPPLEMENTARY INFORMATION: Standard No. 208, Occupant Crash Protection (49 CFR 571.208), is a Department of Transportation safety standard that requires manufacturers to provide a means of restraint in new motor vehicles to keep occupants from impacting the vehicle interior in the event a crash occurs. The standard has, since January 1968, required the provision of seat belt assemblies at each seating position. In January 1972 the requirements for seat belts were upgraded and options were added to permit the provision of restraint that is "active" (requiring some action be taken by the vehicle occupant, as in the case of seat belts) or "passive" (providing protection without action being taken by the occupant).

It is generally agreed that the use of a restraint system by all vehicle occupants has the potential for saving an additional 9,000 lives annually on U.S. highways, over and above the number of lives saved at current seat belt usage rates. The problem lies in the present low usage rates of active belt systems—no more than 20 to 30 percent by any responsible estimate. Several actions

have been taken by the Department to modify Standard No. 208 in order to realize this potential saving of 9,000 lives. In view of the low rate of use of active restraint systems, the National Highway Traffic Safety Administration (NHTSA) of the Department amended Standard No. 208 in 1971 to mandate the provision of passive restraints in all passenger cars after August 1975. In a suit seeking review of that requirement, the Sixth Circuit Court of Appeals in *Chrysler v. DOT* (472 F.2d 639 (6th Cir. 1972)), upheld the basic validity of the mandatory passive requirement, but directed the NHTSA to issue more specific dummy specifications to achieve a more objective test instrument. After complying with this directive in August 1973 (38 FR 20449; August 1, 1973), the agency repropoed mandatory passive restraints in 1974 (39 FR 10271; March 19, 1974) but did not take final action. In 1976 former Secretary of Transportation Coleman announced that the Department would decide what future occupant crash protection standards would be justified.

In June 1976 the Department issued a proposal (41 FR 24077, June 14, 1976) setting forth five possible courses of action for the future of Standard No. 208: preservation of the existing requirements accompanied by encouragement of voluntary belt use; a program to establish mandatory seat belt use laws in each State; a field test to verify the predicted efficacy of various passive restraint devices; a requirement to provide passive restraints; and a requirement that the manufacturer offer a "purchaser option" of passive restraints in a representative portion of its passenger-car production. Following a public hearing in August 1976 on the five proposed actions and evaluation of written comments submitted, the first course of action was adopted, continuing the existing requirements of the standard indefinitely (42 FR 5071; January 27, 1977).

The decision to continue existing requirements was accompanied by the negotiation of contracts with automobile manufacturers to voluntarily make available for sale 500,000 passive-restraint-equipped vehicles in the nation's future passenger-car fleet. This approach was based on the belief that, although passive restraints are technologically feasible and would ultimately prevent 9,000 highway fatalities annually beyond those lives saved by current useage of seat belts, consumer resistance to an immediate mandate of them could result in their prohibition by Congress. This finding of possible consumer resistance was based in large part on the Department's experience with the "ignition interlock" on 1974- and 1975-model passenger cars, which was prohibited by Congress because of public opposition.

I am concerned that this recent decision by the Department may not be entirely consistent with the statutory mandate of the National Traffic and Motor