Dated: September 21, 1999.

Shelia Y. McCann,

Deputy Assistant Secretary (Administration).

[FR Doc. 99–30036 Filed 11–16–99; 8:45 am]

BILLING CODE 4830–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

[Docket No. 99–1]

RIN 3014–AA20

Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; Public Hearings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Proposed rule; public hearings.

SUMMARY: On November 16, 1999, the Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking to revise and update its accessibility guidelines for buildings and facilities covered by the Americans with Disabilities Act of 1990 (ADA) and the Architectural Barriers Act of 1968 (ABA). These guidelines cover new construction and alterations and serve as the basis for enforceable standards issued by other Federal agencies. The Access Board will hold two public hearings on the proposed guidelines. This document gives the dates, times, and locations of the public hearings.

DATES: The hearing dates are:

1. January 31, 2000, 9:30 a.m. to 5 p.m., Los Angeles, CA.
2. March 13, 2000, 9:30 a.m. to 5 p.m., Arlington, VA.

ADDRESSES: The hearing locations are:

1. Los Angeles–Los Angeles Airport Marriott, 5855 West Century Boulevard, Los Angeles, CA 90045.
2. Arlington—Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Interested members of the public may contact Alfonso Baes to preregister to give testimony or may register on the day of the hearings. Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone numbers (202) 272–5434 extension 118; (202) 272–5449 (TTY). These are not toll free numbers. E-mail address: baes@access-board.gov.

SUPPLEMENTARY INFORMATION:

Availability of Copies and Electronic Access

Single copies of this document may be obtained at no cost by calling the Access Board's automated publications order line (202) 272–5434, by pressing 2 on the telephone keypad, then 1, and requesting publication S–36A (ADA and ABA Accessibility Guidelines Notice of Proposed Rulemaking, Public Hearings). Persons using a TTY should call (202) 272–5449. Please record a name, address, telephone number and request publication S–36A. This document is available in alternate formats upon request. Persons who want a copy in an alternate format should specify the type of format (cassette tape, Braille, large print, or ASCII disk). This document is available on the Board's Internet site (http://www.access-board.gov/ada-aba/hearings.htm).

Public Hearings

On November 16, 1999, the Architectural and Transportation Barriers Compliance Board (Access Board) published a Notice of Proposed Rulemaking to revise and update its accessibility guidelines for buildings and facilities covered by the Americans with Disabilities Act of 1990 (ADA) and the Architectural Barriers Act of 1968 (ABA). To facilitate substantive public review of the proposed rule, the Access Board will hold two public hearings on the proposed guidelines. This document gives the dates, times, and locations of the public hearings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–30062 Filed 11–16–99; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[DOT Docket No. NHTSA–99–6472]

RIN 2127–AH15

Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems

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

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, we (NHTSA) propose to amend the Federal Motor Vehicle Safety Standard on motorcycle brakes by reducing the minimum hand lever force from 5 pounds (presently specified) to 2.3 pounds and the minimum foot pedal force from 10 pounds (presently specified) to 5.6 pounds in the fade recovery and water recovery tests. We believe these proposals, if adopted, would facilitate the manufacture of motorcycles with combined or ''linked'' braking systems (where hand and foot brakes work in tandem) that do not need so much force exerted on them to be effective. This rulemaking was initiated in response to a petition from American Honda Motor Co., Inc.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than January 18, 2000.

ADDRESSES: You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590.

You may call the Docket at 202–366–9324. You may visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For technical issues, you may call Mr. Joseph Scott, Office of Crash Avoidance Standards at (202) 366–8525. His FAX number is (202) 493–2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel at (202) 366–2992. Her FAX number is (202) 366–3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard No. 122, *Motorcycle brake systems,* (49 CFR § 571.122) took effect on January 1, 1974 (see **Federal Register** notice of June 16, 1972, 37 FR 1973). Standard No. 122 specifies performance requirements for motorcycle brake systems. The purpose of the standard is to provide safe motorcycle braking performance under normal and emergency conditions. The safety afforded by a motorcycle's braking system is determined by several factors, including stopping distance, linear stability while stopping, fade resistance, and fade recovery. A safe system should have features that both guard against malfunction and stop the vehicle if a malfunction should occur in the normal service system. Standard No. 122 covers each of these aspects of brake safety, establishing equipment and performance requirements appropriate

for two-wheeled and three-wheeled motorcycles. Among other requirements, the motorcycle manufacturer must be sure that each motorcycle can meet requirements under conditions specified in S6 *Test conditions* and as specified in S7 *Test procedures and sequence.* Two of the tests specified in S7 are the fade and recovery test and the water recovery test. Each test includes a baseline check test.

The baseline check is used to establish a specific motorcycle's pre-test performance to provide a basis for comparison with post-test performance. This comparison is intended to ensure adequate brake performance, at reasonable lever and pedal forces, after numerous high speed or wet condition stops. The two tests for which minimum lever and pedal forces are specified in Standard No. 122 are the baseline checks for fade and recovery, and for water recovery.

The fade and recovery test compares the braking performance of the motorcycle before and after ten 60 mile per hour stops at a deceleration of not less than 15 feet per second per second (fps^2). Three baseline stops are conducted from 30 miles per hour at 10 to 11 fps^2, with the maximum brake lever and maximum pedal forces recorded during each stop, and averaged over the three baseline stops. Ten 60-mile-per-hour stops are conducted at a deceleration rate of 14 to 17 fps^2, followed immediately by five fade recovery stops from 30 miles per hour at a deceleration rate of 10 to 11 fps^2. The maximum brake pedal and lever forces measured during the fifth recovery stop must be within plus 20 pounds and minus 10 pounds of the baseline average maximum brake pedal and lever forces.

The water recovery test compares the braking performance of the motorcycle before and after the motorcycle brakes are immersed in water for two minutes. Three baseline stops are conducted from 30 miles per hour at 10 to 11 fps^2, with the maximum brake lever and pedal forces recorded during each stop, and averaged over the three baseline stops. The motorcycle brakes are then immersed in water for two minutes, followed immediately by five water recovery stops from 30 miles per hour at a deceleration rate of 10 to 11 fps^2. The maximum brake pedal and lever forces measured during the fifth recovery stop must be within plus 20 pounds and minus 10 pounds of the baseline average maximum brake pedal force and the lever force.

American Honda Motor Co., Inc. Petition for Rulemaking

In a submission dated November 3, 1997, American Honda Motor Co., Inc. (Honda) petitioned us to amend Standard No. 122 to eliminate the minimum hand lever force of 5 pounds and the minimum foot pedal force of 10 pounds for the fade recovery and water recovery tests. Honda requested these changes in order to facilitate the U.S. sale of the Honda CBR1100XX, a high performance motorcycle, and to avoid having to manufacture two separate versions of the vehicle, one for the United States and another for Europe. Honda's stated rationale for the proposed changes was to provide the motorcycle rider with a more linear braking lever input force, so that the safety advantages of the CBR1100XX Combined Brake System (CBS) can be fully utilized. The safety advantages cited were enhanced motorcycle stability and decreased stopping distance. Honda stated that the CBS provides the advantages by applying braking to both wheels when either the hand lever or the foot pedal is applied.

In its petition, Honda stated that: ''when Standard No. 122 was originally drafted, it was clearly based on motorcycle independent front and rear brake systems, and did not anticipate or fully address the current generation of relatively advanced braking systems.'' Honda explained that the CBS allows the rider to apply the brakes to both wheels by activating either the hand lever or the foot pedal. In the past (and when Standard No. 122 was first promulgated), motorcycles used independent controls, i.e., the hand lever controlled the front brakes and the foot pedal controlled the rear brakes. On the CBR1100XX, in contrast, the brake forces are proportioned to both the front and the rear brakes depending on whether the hand lever or the foot pedal is used. For example, if the motorcyclist applies only the hand lever, a greater portion of the braking occurs at the front wheel. Similarly, if the motorcyclist applies only the foot pedal, most of the braking will occur at the rear wheel. These results are achieved by using multi-piston brake calipers at each wheel, which can be partially or fully applied, depending on whether the hand lever or the foot pedal is applied.

Honda stated that the requested amendments to Standard No. 122 are needed because of the gradual reduction in the motorcycle operator force levels (in advanced designs such as the CBR1100XX) needed for brake actuation. Honda explained that reductions in force levels are possible because of technological advances such as better brake pads, rotor designs and materials; better brake hose materials; stiffer caliper designs and attachments; improved motorcycle tire design, construction, and compounds; and the CBS. Honda asserts that its CBS represents a technological improvement for motorcycles. With its new system, motorcycle operator control and braking characteristics are similar to those of an automobile driver, i.e., one input results in braking at all wheels.

Honda also stated that a minimum lever or pedal force is not required in the European motorcycle regulation, ECE Regulation 78, and that no related safety problems or ''excessively sensitive brakes'' have been reported in Europe or elsewhere. Honda stated its belief that the elimination of a minimum force requirement in Standard No. 122 would increase global harmonization.

In a letter dated July 13, 1998, Honda amended its petition, requesting that, in Standard No. 122, the minimum hand lever force be reduced to 10 Newtons (2.3 pounds) and the minimum foot pedal force be reduced to 25 Newtons (5.6 pounds).

In a **Federal Register** notice dated October 7, 1997 (62 FR 52372), we granted Honda a temporary exemption from the following Standard No. 122 provisions for the CBS100XX motorcycle: S5.4.1 Baseline check—minimum and maximum pedal forces, S5.4.2 Fade, S54.3 Fade recovery, S5.7.2 Water recovery test, and S6.10 Brake actuation forces. Honda was granted a second one-year exemption from those provisions in a **Federal Register** notice of November 25, 1998 (63 FR 65272). The second one-year exemption expired on September 1, 1999.

In a letter dated March 16, 1999 NHTSA granted Honda's petition for rulemaking.

Notice of Proposed Rulemaking

In this notice, we propose amending Standard No. 122 by reducing the minimum hand lever force to 10 Newtons (2.3 pounds), and reducing the minimum foot pedal force to 25 Newtons (5.6 pounds). We also explain why we are not proposing the complete elimination of a minimum braking force for the hand lever and the foot pedal, and why we believe there are benefits to specifying lower minimum hand lever and foot pedal forces.

Determination of Minimum Hand Lever and Foot Pedal Forces

The following explains how we have recalculated the fade recovery (S5.4.3) and the water recovery (S5.7.2) test

ranges to take into account the lower minimum hand lever and foot pedal forces. As earlier noted, the fade recovery and the water recovery tests include a range within which the hand lever and foot pedal forces must be for the fifth recovery stop. At present, Standard No. 122 specifies a 30-pound range with upper and lower limits of plus 20 pounds to minus 10 pounds, respectively, of the baseline check average force obtained from conducting the baseline checks. We propose to revise the limits to correspond with the proposed minimum lever and pedal brake forces.

Standard No. 122 was developed using the ''Report of the Motorcycle Committee and Brake Committee''; July 1969 from the Society of Automotive Engineers (SAE). For foot pedals, the current lower limit value specified, minus 10 pounds, is based on the minimum foot pedal force level required for the brake actuation forces for the baseline check stops. Since the baseline check average for the foot pedal force is required to be at least 10 pounds, a lower limit of minus 10 pounds, therefore, allows the pedal force achieved during the fifth recovery stop to be zero pounds. Similarly, the baseline check average for the hand lever force is required to be at least five pounds. However, within the specified range of plus 20 pounds and minus 10 pounds, the hand lever force for the fifth recovery stop could theoretically be as low as minus five pounds. It is physically impossible for the lever force to be less than zero. Thus, the practical range of the hand lever force for the fifth recovery is reduced from 30 pounds to 25 pounds. For hand lever forces of 10 pounds or more achieved during the baseline check stop, the range for the resulting forces during the fifth recovery stop would be 30 pounds.

In this NPRM, we propose to maintain this 30-pound range in the braking forces. The 30-pound range in metric measurement is 135 Newtons. For the hand lever forces, different upper and lower values for the range are proposed to ensure that the force in the fifth recovery stop could not be specified as less than zero Newtons. Taking into consideration the proposed reductions in the minimum foot pedal and hand lever forces for the baseline check stops, we have proposed revised upper and lower limits accordingly, so that the forces obtained in the fifth recovery stop could not be theoretically less than zero Newtons. We propose the following limits:

For the proposed 25 Newton (5.6 pounds) foot pedal minimum, we propose as limits plus 110 Newtons (24.7 pounds) and minus 25 Newtons (5.6 pounds); and

For the proposed 10 Newton (2.3 pounds) hand lever minimum, we propose as limits plus 125 Newtons (28.1 pounds) and minus 10 Newtons (2.3 pounds).

We believe that these limits more appropriately reflect the corresponding minimum lever and pedal efforts proposed for the baseline check stops.

Striking a Balance between Mature and State-of-the-Art Technologies

One important reason for retaining minimum braking forces is that motorcycles are still being manufactured that do not have the linked braking system found on the Honda CBR1100XX. For model year 1999, cable-actuated brakes and drum brakes (the predominant technology at the time Standard No. 122 was issued) continue to be used on many new motorcycles. In this rulemaking, we seek a common ground between the old and new technologies, ensuring that Standard No. 122's safety requirements remain applicable to motorcycles manufactured with mature technology, but are flexible enough to ensure that motorcycles manufactured with new technology meet the need for safety. Maintaining a minimum hand lever and foot pedal force will ensure that motorcycles using mature technology will not have problems with overly sensitive brakes.

For motorcycles using state-of-the-art technologies, we foresee a continuing trend towards lower braking forces. We believe that in the future, electronic braking technology could become commercially available on motorcycles. That application might allow motorcyclists to stop their motorcycles using less hand lever or foot pedal force. Even with these trends toward lower brake forces, the minimum forces proposed in this rulemaking are for a deceleration rate of 10 to 11 fps^2 and would therefore always be greater than the lever and pedal forces needed for the onset of braking.

International Harmonization Issues

Based on information obtained from the United Nations' Economic Commission for Europe (ECE) and Dr. Nicholas Rogers, Secretary General of the International Motorcycle Manufacturers' Association (in Geneva), we understand that minimum hand lever or foot pedal forces are not required in ECE Regulation 78. However, even though minimum forces are not specified in the European regulation, that does not mean that current production European motorcycles' braking systems are activated with extremely low lever or pedal forces. As an example, on a European version of the Honda CBR1100XX, the minimum hand lever force measured for the fade and water recovery tests is 4.6 pounds, a force close to the 5 pound hand lever force minimum presently in Standard No. 122.

Human Factors Issues

Eliminating minimum hand lever and foot pedal forces may raise a human factors concern for American riders who are not accustomed to the lower hand and foot forces that European motorcyclists have experienced. We seek specific public comment on this issue. With regard to lower minimum forces, however, many motorcyclists have noted that reduced hand lever and foot pedal braking forces may result in better control, a safety benefit. We also note that increasing numbers of motorcyclists are older persons (older than 65 years of age) and women, population groups who may welcome the availability of motorcycles with linked braking systems and the reduced braking inputs required at the lever and the pedal. As earlier noted, linked braking systems such as Honda's CBS can balance the undesired handling and braking characteristics of ''sensitive brakes'' by applying the brakes at both wheels when either the lever or pedal is applied.

Other Rulemaking Issues

Finally, our review of Standard No. 122, disclosed that the introductory text to S6 , Test conditions, had been inadvertently removed. We are proposing to restore the removed language, provided in the proposed regulatory text that follows.

Leadtime

We propose that the proposed amendments, if made final, would take effect one year after the publication of the final rule. We believe that manufacturers are already making motorcycles that can meet the proposed minimum braking forces. In the event changes in design or manufacturing procedures are necessary, we believe one year would be enough lead time for industry to make any necessary changes. Motorcycle manufacturers would be given the option of complying immediately with the new requirements.

Regulatory Analyses and Notices

Executive Order 12866 and DOT

Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' Further, we have determined that this action is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. Policies and Procedures (44 FR 11034; February 26, 1979).

For the following reasons, NHTSA believes that this proposal, if made final, would not have any cost effect on motorcycle manufacturers. We believe that all motorcycle manufacturers are manufacturing motorcycles that meet the new minimum hand lever and foot pedal forces proposed in this NPRM.

Because the economic impacts of this proposal are so minimal, no further regulatory evaluation is necessary.

Executive Order 12612

We have analyzed this proposal in accordance with Executive Order 12612 (''Federalism''). We have determined that this proposal does not have sufficient Federalism impacts to warrant the preparation of a federalism assessment.

Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not economically significant as defined in E.O. 12866. It does not involve decisions based on health risks that disproportionately affect children.

Executive Order 12778

Pursuant to Executive Order 12778, ''Civil Justice Reform,'' we have considered whether this proposed rule would have any retroactive effect. We conclude that it would not have such an effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

The Administrator has considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and certifies that this proposal would not have a significant economic impact on a substantial number of small entities. The factual statement that is the basis for this certification is that since all motorcycle manufacturers, including small manufacturers, are already manufacturing motorcycles that would meet the new minimum braking forces proposed in this notice of proposed rulemaking, any changes made by this proposed rule would have no substantive effect on small motorcycle manufacturers. The U.S. Small Business Administration's size standards (at 13 CFR 121.201) defines a small motorcycle manufacturer (under Standard Industrial Classification Code 3711''Motor Vehicles and Passenger Car Bodies'') as a business operating primarily in the United States that has fewer than 1,000 employees. Accordingly, the agency believes that this proposal, if made final, would not affect the costs of the motorcycle manufacturers considered to be small business entities.

National Environmental Policy Act

We have analyzed this proposal for the purposes of the National Environmental Policy Act and determined that it would not have any significant impact on the quality of the human environment.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposal does not propose any new information collection requirements.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in our regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods,

sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

After conducting a search of available sources, we have determined that there are no available and applicable voluntary consensus standards that we can use in this notice of proposed rulemaking.

Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

For the reasons stated above, this proposal would not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this proposal is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) 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. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

How Can I be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under DATES. To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov/*).
2. On that page, click on ''search.''
3. On the next page (http://dms.dot.gov/search/), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''NHTSA–1998–1234,'' you would type ''1234.'' After typing the docket number, click on ''search.''
4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that the Federal Motor Vehicle Safety Standards (49 CFR part 571), be amended as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.122 would be amended by revising S5.4.3, revising S5.7.2, adding S6., and revising the first sentence of S6.10 to read as follows:

§ 571.122 Standard No. 122; Motorcycle braking systems.

* * * * *

S5.4.3. *Fade recovery*. Each motorcycle shall be capable of making

five recovery stops with a pedal force that does not exceed 400 Newtons (90 pounds), and a hand lever force that does not exceed 245 Newtons (55 pounds) for any of the first four recovery stops and that for the fifth recovery stop, is within, for the foot pedal force, plus 110 Newtons (24.7 pounds) and minus 25 Newtons (5.6 pounds) and, for the hand lever force, plus 125 Newtons (28.1 pounds), and minus 10 Newtons (2.3 pounds) of the fade test baseline check average force (S7.6.3).

* * * * *

S5.7.2 *Water recovery test.* Each motorcycle shall be capable of making five recovery stops with a pedal force that does not exceed 400 Newtons (90 pounds), and hand lever force that does not exceed 245 Newtons (55 pounds), for any of the first four recovery stops, and that for the fifth recovery stop, is within, for the foot pedal force, plus 110 Newtons (24.7 pounds) and minus 25 Newtons (5.6 pounds) and, for the hand lever force, plus 125 Newtons (28.1 pounds) and minus 10 Newtons (2.3 pounds) of the water recovery baseline check average force (S7.10.2).

* * * * *

S6 *Test conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the motorcycle shall be capable of meeting the requirements at all points within the range.

* * * * *

S6.10 *Brake actuation forces.* Except for the requirements of the fifth recovery stop in S5.4.3 and S5.7.2 (S7.6.3 and S7.10.2), the hand lever force is not less than 10 Newtons (2.3 pounds) and not more than 245 Newtons (55 pounds) and the foot pedal force is not less than 25 Newtons (5.6 pounds) and not more than 400 Newtons (90 pounds). * * *

* * * * *

Issued on: November 10, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–29952 Filed 11–16–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 991108299–9299–01; I.D. 102299A]

RIN 0648–XA39

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF80

Endangered and Threatened Species; Proposed Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (Salmo salar) in the Gulf of Maine

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; Fish and Wildlife Service (FWS), Interior.

ACTION: Proposed Rule, notice of public hearing.

SUMMARY: NMFS and FWS (the Services) have completed a status review of U.S. Atlantic salmon populations and have determined that a distinct population segment (DPS) of Atlantic salmon in the Gulf of Maine is in danger of extinction. The Services have reviewed the status of the species and the efforts being made to protect the species and are proposing to place the Gulf of Maine DPS of Atlantic salmon on the list of endangered species under the Endangered Species Act of 1973, as amended (ESA). The Services have determined that the species' status has declined since the December 1997 determination that listing was not warranted. Specifically, documented adult returns have remained low despite projections of increased marine survival, presmolt survival has been found to be lower than previously estimated, the detection of a new disease led to the destruction of the Pleasant River broodstock, a disease from Europe has affected the Canadian aquaculture industry and spread toward the U.S. border, the use of non-North American strains of Atlantic salmon in the U.S. aquaculture industry has increased, aquaculture escapees continue to be detected in the wild, and salmon habitat continues to be threatened by water withdrawal and sedimentation. If this proposed listing is finalized, the protective measures of the ESA will extend to the Gulf of Maine DPS of Atlantic salmon, and a recovery plan will be prepared and implemented.

DATES: Comments on this proposal and on the July 1999 Status Review announced in the October 19, 1999, **Federal Register** (64 FR 56297) must be received by February 15, 2000. A public hearing will be held at 6:00 pm on January 19, 2000.

ADDRESSES: Send all comments and materials concerning this proposed rule and the 1999 Status Review to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035, or the Endangered Species Program Coordinator, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, Massachusetts 01930. The public hearing location is in the cafeteria of Ellsworth Middle School, 20 Forrest Avenue, Ellsworth, Maine 04605. The 1999 Status Review may be obtained by contacting either of the above individuals or downloaded from the following site: *http://news.fws.gov/salmon/asalmon.html.* Please note that electronic mail or internet site comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, NMFS, at the address above (978–281–9116) or Paul Nickerson, FWS, at the address above (413–253–8615).

SUPPLEMENTARY INFORMATION:

Background

In 1991, the FWS designated Atlantic salmon in five rivers in ''Downeast'' Maine (the Narraguagus, Pleasant, Machias, East Machias and Dennys Rivers) as Category 2 candidate species under the ESA (56 FR 58804, November 21, 1991). This designation simply indicated that the FWS had determined that listing was possibly appropriate but that further biological information was needed to support a proposed rule to list the species. The FWS then began working more vigorously with the NMFS as well as with the State of Maine and private agencies to reverse the decline in salmon abundance. During that same period, the NMFS was conducting an exhaustive 5-year study of the Narraguagus River, demonstrating that spawning and nursery habitat appeared suitable and should produce more fish given adequate escapement levels.

The Services received identical petitions in October and November of 1993 to list the Atlantic salmon (*Salmo salar*) throughout its historical range in the contiguous United States under the ESA. The Services found on January 20, 1994 (59 FR 3067), that the petition presented substantial scientific