FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–2685, MM Docket No. 99–343, RM–9750]

Radio Broadcasting Services; Elberton, Lavonia and Pendergrass, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a mutually exclusive petition filed by Radio Elberton, Inc. to reallot Channel 221A from Elberton to Lavonia, GA, as the community's first local aural service, and the modification of Station WWRK–FM's license accordingly, and the application of Waves of Mercy Productions, Inc., for a construction permit for a new noncommercial educational station on Channel 220A at Pendergrass, GA, which would also be the community's first local aural service. Channel 221A can be allotted to Lavonia in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.5 kilometers (7.8 miles) west, at coordinates 34–27–26 NL; 83–14–27 WL, to accommodate Radio Elberton's desired site. The coordinates specified in the Waves of Mercy Productions application (BPED–19990630MB) are 34–12–59 NL; 83–38–50.

DATES: Comments must be filed on or before January 24, 2000, and reply comments on or before February 8, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW–325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John M. Pelkey, Haley Bader & Potts P.L.C., 4350 North Fairfax Drive, Suite 900, Arlington, VA 22203–1633 (Counsel to Radio Elberton); Waves of Mercy Productions, Inc., 5319 Amherst Way, Flowery Branch, GA 30542 (Applicant for Pendergrass, GA).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–343, adopted November 24, 1999, and released December 3, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–32706 Filed 12–16–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 99–5063; Notice 1]

RIN 2127–AH 83

Federal Motor Vehicle Safety Standards; Interior Trunk Releases

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

ACTION: Notice of proposed rulemaking.

SUMMARY: We are proposing to require that all new vehicles with trunks come equipped with a release latch inside the trunk compartment beginning January 1, 2001. During the summer of 1998, eleven children died when they inadvertently trapped themselves in the trunk of a car. This proposal is intended to give children and others who find themselves trapped inside a car trunk a chance to get out of the trunk alive.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than February 15, 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 Docket Management at 202–366–9324. You may visit the Docket from 10:00 am to 5:00 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Stephen R. Kratzke, Director, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington DC 20590. Mr. Kratzke's telephone number is (202) 366–4931 and his facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION:

Previous Agency Looks at Trunk Entrapment

The issue of motor vehicle trunk entrapment was initially raised in May of 1984 when NHTSA was petitioned by Mr. William Proehl to require that every new car be equipped with a trunk release lever that can be easily operated from inside a vehicle's trunk. The petitioner listed various possible circumstances of accidental and intentional entrapment in the trunk of a vehicle. The petitioner stated that persons such as alarm and stereo installers, mechanics, playful children, pranksters, and crime victims may be trapped in the trunk. The petitioner also believed that an elderly person might fall into the trunk and thereby become entrapped. Mr. Proehl asked NHTSA to require an inside trunk release on all new cars to facilitate the release of these victims.

After reviewing the petition and the available information in this area, NHTSA published a notice of denial for rulemaking which concluded that the likelihood of an internal trunk lever ever being used was remote (49 FR 47277; December 3, 1984). NHTSA stated in 1984 that it was not aware of any data indicating that there is much likelihood of occurrence of unintentional entrapment in a vehicle's trunk. NHTSA's rationale for its conclusion stated that trunk lids are spring-loaded in the open position and, therefore, not likely to close by themselves with someone inside. Because the lids are spring loaded, it is difficult to close the trunk from any position except standing behind the vehicle and pushing down on the outer surface of the trunk lid. From that position, a person has a full view of the trunk interior. The agency stated that it believed it would be extremely unlikely that a person would accidentally close the lid with someone inside. Concerning an elderly person falling into the trunk, the petitioner suggested that entrapment could occur if snow on the trunk closed

the lid when the person fell. It was unclear to NHTSA how the trunk would entrap the person in this circumstance, since it is unlikely that the individual would fall in such a way that more than his or her upper torso is inside the trunk. Again, in this situation, NHTSA stated its belief that an internal trunk release lever would not likely need to be used.

The 1984 notice stated that NHTSA was aware that victims of crime or pranks are, on occasion, purposely locked in the trunk of a vehicle. However, the petitioner did not provide any data supporting the benefits of an internal release mechanism in these circumstances. The agency did not and still does not know, for example, how often a victim of a crime or prank who is purposely locked in a vehicle's trunk might also be secured so that an internal release mechanism could not be operated.

Between May 1984 and July 1998, NHTSA received approximately two dozen letters expressing concern about trunk entrapments. In no case was data provided to the agency about the size of this safety problem.

Events of the Summer of 1998

In June 1998, the U.S. Congress directed NHTSA to conduct a study of the benefits to the public of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. NHTSA was required to submit a report on the results of the study to Congress by December 1999. Additionally, during a three-week period between July and August of 1998, eleven children died in three separate incidents when they locked themselves in the trunk of an automobile. These events obliged NHTSA to take another look at the problem of trunk entrapments.

The Work of the Expert Panel on Trunk Entrapment

In September 1998, NHTSA began to gather all available information on the issue of trunk entrapments, which is not a well defined problem. In general, it appears that the victims of trunk entrapment include two distinct categories: people who are intentionally locked in a motor vehicle trunk by criminals and people, nearly always children, who inadvertently lock themselves in the trunk. The problem solution requires some understanding of criminal and child behavior, the human factors problem of designing a mechanism that children and others will be able to operate quickly when frightened and in the dark, and other issues including location and possible power requirements. Considering the broad array of issues, NHTSA decided that instead of having the government develop a solution on its own, a more effective way of addressing and understanding the issue would be to bring business, government and civic leaders, medical and engineering researchers and a broad coalition of concerned organizations together to work to prevent trunk entrapments. To accomplish this, NHTSA decided to convene an independent panel of experts.

In November 1998, NHTSA asked Ms. Heather Paul of the National Safe Kids Campaign to chair an Expert Panel for the purpose of developing recommendations and strategies by mid-1999 for addressing the issue of deaths and injuries resulting from motor vehicle trunk entrapment. The Expert Panel on Trunk Entrapment consisted of representatives from various industries, including vehicle manufacturers, law enforcement groups, experts in child psychology and behavior, child safety advocates, the medical community, other Federal government agencies, and other interested parties.

This Expert Panel met three times in Washington, DC, in January, March, and May 1999. At the first meeting, NHTSA presented an overview of the available data on the size of the safety problem. NHTSA's report is available in the public docket in both its original and revised form (Docket No. NHTSA 1999–5063–2 and 5063–3, respectively). The report concluded that existing Federal databases had very little information on the problem of trunk entrapment, and described our search through data collected by this agency, as well as the Consumer Product Safety Commission, the National Center for Health Statistics, and the Federal Bureau of Investigation. The available data indicated there have been 21 deaths in 11 incidents of inadvertent trunk entrapment from 1987 to 1999.

Also at the first meeting, Janette Fennell of Trunk Releases Urgently Needed Coalition (TRUNC), a non-profit group dedicated to improving trunk safety, made a presentation suggesting that trunk entrapments happen with greater regularity than is generally believed. Ms. Fennell said that, as of January 1999, she had gathered anecdotal evidence and media reports of more than 900 cases of trunk entrapment. Ms. Fennell's presentation was followed by a presentation by Lenore Terr, a child psychologist. Ms. Terr explained that evidence suggests that small children basically ''shut down'' and passively wait for rescue in situations like trunk entrapment. Hence, she recommended that any trunk release must be very simple or it will not help small children.

The next presentation at the first meeting was by Mr. Robert Lange of General Motors Corporation (GM). Mr. Lange presented GM's research and trunk safety retrofit solution. GM's interior release mechanism is a handle that is lighted for 30 minutes after the trunk is closed. GM's research found that most 3 to 6-year old children could successfully use this handle. The success rate increased dramatically as children got older. However, Mr. Lange emphasized that neither GM's handle nor any other approach will allow all 3 to 6-year old children to get out of a trunk alive. That is why, according to Mr. Lange, GM's retrofit switch requires a deliberate movement of a switch to latch the trunk closed. GM believes this will prevent a significant portion of inadvertent trunk entrapments.

The final presentation at the first meeting was by Wayne Lord, of the FBI's National Center for the Analysis of Violent Crime. Mr. Lord said we learn about criminals by studying their reactions to certain situations or stimuli. These reactions allow one to predict likely future behavior when confronted with those situations or stimuli. There are currently no studies of which Mr. Lord is aware that involve the behavior of criminals who knew there was a trunk release inside the trunk. Hence, there is no scientific basis for predictions about what criminals will do if there are inside trunk releases (either harm or immobilize victims or ignore or forget about the trunk release). Any prediction as to which of these two courses criminals will take is just a guess, and the FBI will not do that.

At the second meeting of the Expert Panel on March 9, 1999, the first presentation was by Dr. Jonathan Arden, a forensic pathologist and the Medical Examiner for the District of Columbia. Dr. Arden provided a detailed medical description of asphyxiation and hyperthermia, the diagnoses on the death certificates of the children who died in the trunks of cars. Dr. Arden suggested the preferred approach would be to get the children out of the trunk as quickly as possible. The other presentation at the second meeting was by Lois Fingerhut of the National Center for Health Statistics (NCHS), who gave information about the pilot program NHTSA and NCHS have undertaken to look at non-crash deaths in vehicles. Ms. Fingerhut gave out a copy of a standard death certificate and explained how and where the information on the cause of death is coded.

The Expert Panel spent a significant part of the second meeting discussing possible paths for getting inside trunk releases into vehicles. The options considered were:

1. *Rely on voluntary actions by manufacturers to install inside trunk releases.* The potential benefits identified with this path were that it allows maximum freedom to develop and install a variety of different solutions without imposing any unintended regulatory obstacles. The potential negative implications of this path were that not all manufacturers would necessarily install inside trunk releases on all their vehicles.

2. *NHTSA Establishes a Requirement for Vehicles to be Equipped with Inside Trunk Releases without any Performance Requirements.* The potential benefit of this path is that it allows manufacturers maximum freedom to experiment with different designs of inside trunk releases, while assuring that all vehicles with trunks will have an inside trunk release. The potential negative implications of this path were that, absent performance requirements, the goals of the requirement might not be fulfilled. Manufacturers might choose ineffective inside trunk releases that would fully comply with such a standard.

3. *NHTSA Establishes a Detailed Performance Requirement for Inside Trunk Releases.* The potential benefit of this path is that it establishes clear guidance as to what performance is expected from inside trunk releases. The potential negative of this path is the amount of time it would take to conduct research to determine what performance requirements should be established. In addition, detailed performance requirements can pose obstacles to new technologies not available at the time the performance requirements are established.

The Expert Panel did not decide on any one of these three options at its second meeting, but there was significant discussion of each of these courses of action. The Panel decided to wait to make any recommendation as to the approach it would recommend.

At the third meeting of the Expert Panel on May 3, 1999, Mr. Michael Stando of Ford Motor Company gave a presentation about the inside trunk release that will be original equipment on ALL of its model year 2000 cars. This decision by Ford affects 1.8 million cars and three latch suppliers. Mr. Stando said that Ford generated 22 different potential approaches. Ford consulted a psychologist specializing in child behavior. The psychologist said that the most natural response for children 18 months to 4 years old to an object that interests them is to grasp the object and pull it toward themselves, to put it in their mouth if they are younger and to visually examine it more closely if they are older. Mr. Stando stated that Ford human factors specialists then tested their symbol and symbol/handle recognition on 27 children between the ages of three and five. 18 of the 27 children achieved at least partial symbol/handle recognition. Ford's inside trunk release is cable-operated with a T-shaped handle. The handle is sized for a child's hand and made of polypropylene, like many food containers. Mr. Stando said that the handle has a phosphorescent ''glow-in-the-dark'' additive, so it needs no electrical power. The handle is quick-charging—it needs only 10 seconds of garage light to glow visibly inside the closed trunk. The glow was said to be very long-lasting (up to 8 hours when fully charged). The handle operates with a pull motion. It is low effort and requires only one inch of travel, factors designed to make the trunk release system child-friendly, according to Mr. Stando. In addition, this mechanism can be retrofitted on Ford cars from one to five model years back. Mr. Stando announced that Ford will make this release available as a retrofit option for these older vehicles.

As a result of the information and discussions at these three meetings, the Expert Panel announced a series of recommendations on June 8, 1999. One of these recommendations was that ''[a]ll automobile manufacturers should design and install trunk safety features, including internal trunk release mechanisms, into all new vehicles by January 1, 2001.'' Another recommendation was that NHTSA ''should issue a standard requiring vehicles to be equipped with internal trunk release mechanisms. The standard should hold the automobile industry accountable for taking action, yet allow manufacturers the freedom to determine optimal design solutions. Manufacturers are urged to pursue voluntary action rather than waiting for NHTSA's rulemaking.'' Interested people can read all of the Expert Panel's recommendations in the docket at NHTSA–99–5063–4. This proposal follows up on those recommendations.

NHTSA's Proposal for Original Equipment Inside Trunk Releases

Safety Need and Efficacy of Countermeasures

In the agency's previous look at inside trunk releases in 1984, we stated that we knew of no data about the size of the safety problem or the likely effectiveness of an internal trunk release at addressing that problem. We now have a report by the Centers for Disease Control in December 1998 that documented 19 cases of children ages 6 or younger that died in car trunks from 1987 to 1998. The cause of death in all cases was either hyperthermia (''heat stroke'') or hyperthermia plus asphyxiation.

We acknowledge that this problem is not the largest motor vehicle safety issue, not even for children ages 6 or younger. However, we do not believe that just because a problem is relatively small, NHTSA should do nothing to address it. The entire subject of preventing injury and death from motor vehicles in something other than on-road crashes is one that is often given short shrift because it is so hard to document the size of the problem. There are no reliable Federal data sources that track non-crash injuries. Nevertheless, NHTSA is specifically charged by law with protecting the public against unreasonable risks in non-crash situations, as well as crash situations. Since more than 40,000 people die each year from motor vehicle crashes, we as an agency have rightly focused our resources and efforts on crash-related situations. However, if the safety risks from a non-crash situation can be quantified, as this has been by the Centers for Disease Control report and the work of the Expert Panel, NHTSA must then consider whether those safety risks can be effectively addressed by a means whose costs are reasonably related to the expected benefits.

With respect to the likely efficacy of internal trunk releases, we now have data from General Motors and Ford that indicates many, but not all, children from ages three to six will be able to use those manufacturers' designs for internal trunk releases to escape from locked trunks. Ford is voluntarily equipping all of its model year 2000 vehicles that have trunks with these internal trunk releases. We interpret this as a conclusion by that company that the cost of its internal trunk release design is reasonable in relation to the safety problem.

Based on this information on the size of the problem and the efficacy of likely countermeasures, which has become available since we last considered mandating internal trunk releases, NHTSA now concludes that this safety problem appears to be one that it would be appropriate to address with a Federal motor vehicle safety standard. The next issue we must address is what requirements we should propose for this new standard.

Proposed Requirements

The Expert Panel spent quite a bit of time discussing how detailed the performance requirements for interior trunk releases should be. The agency has a variety of approaches for dealing with potential safety features. At one end of the spectrum, some safety features are installed voluntarily by manufacturers with no Federal motor vehicle safety standard requirement to do so. One current example of this is Antilock Brake Systems on passenger cars and light trucks. This voluntary approach allows manufacturers to choose whether to put the safety feature on their vehicles and the performance characteristics of the design of the safety feature they will install. One advantage of this approach is it gets the safety feature on vehicles more quickly, since there is no need to wait for action by NHTSA. However, a substantial disadvantage of this approach is that the safety feature is not usually installed on every vehicle.

At the other end of the spectrum is when NHTSA requires a safety feature by issuing a Federal motor vehicle safety standard that requires the equipment and specifies necessary performance levels for the equipment. One current example of this is frontal air bags in cars and light trucks. This approach assures that the safety feature will be installed on every new car and light truck and that the performance will achieve levels that are determined to be the minimum acceptable for protection of the public. However, this approach takes the most time to get implemented. It is especially difficult in an area like interior trunk releases, where there is little existing research. NHTSA would have to first conduct its own research in this area. This would likely take two years or more. We would then have to initiate the rulemaking process. Our rulemaking on average takes 18 to 24 months to produce a final rule. We would have to allow some leadtime for manufacturers to install internal trunk releases in their vehicles. Hence, a detailed performance standard would take four to five years to get internal trunk releases in vehicles.

The question then is whether we can find some middle ground between allowing manufacturers to decide if and when they will install interior trunk releases in their vehicles and waiting five years for a detailed performance standard. The Expert Panel believed it found such a middle ground and recommended that NHTSA adopt a general equipment requirement for interior trunk releases, without specifying detailed performance requirements. This approach ensures that every new car and light truck will be equipped with an interior trunk release, while allowing vehicle manufacturers substantial flexibility to determine the optimal solutions for their vehicles.

NHTSA has successfully used this approach in Federal Motor Vehicle Safety Standard No. 113, *Hood Latch System* (49 CFR § 571.113). That standard simply requires that a front opening hood must have a second latch position. No details of the latch's performance are specified. This simple standard obliged manufacturers to put a second latch position on the hoods of all their vehicles. If needed, the agency could have revisited this standard to add more detailed performance requirements. However, the safety problem of hoods flying open while the vehicle was in motion and obstructing the driver's vision was effectively addressed by this general equipment requirement.

We agree with the Expert Panel's recommendation. With respect to interior trunk releases, NHTSA wants to allow manufacturers the freedom to determine optimal design solutions for their vehicles, while assuring the public that all new vehicles with trunks will have an interior trunk release as soon as practicable. A general equipment standard achieves this.

However, this proposed standard includes an additional requirement for interior trunk releases. The internal trunk release must include a feature that allows it to be easily seen inside the closed trunk. It is very dark inside a closed trunk. One cannot expect victims of trunk entrapment, especially small children, to grope around in hopes of locating the internal trunk release. GM will address this issue by lighting its release handle, while Ford has chosen a phosphorescent release mechanism. Either of these approaches is acceptable, as are any other approaches that assure victims trapped inside a trunk will be able to quickly locate the release mechanism.

Although this proposed standard does not explicitly require it, NHTSA notes that the Expert Panel recommended that manufacturers should base their designs for internal trunk releases upon the cognitive and physical abilities of young children. In other words, the Expert Panel was advising other manufacturers to do what General Motors and Ford have done—take the time to understand the abilities of young children and tailor the designs to those abilities. The Expert Panel reasoned that an internal trunk release mechanism that is designed to be operated by small children will also work well for adults. The opposite would not necessarily be true—that is, an internal trunk release mechanism designed to be operated by adults might not work for small children.

Scope of Proposal

This proposal would apply to all new vehicles with ''trunk lids.'' NHTSA has long defined a ''trunk lid'' in Standard No. 206 as ''a movable body panel that provides access from outside the vehicle to a space wholly partitioned from the occupant compartment by a permanently attached partition or a fixed or fold-down seat back.'' We are now proposing that all vehicles with ''trunk lids'' must have a release inside the trunk compartment.

The effect of this definition is that the requirement for an internal release would not apply to vehicles that do not typically have trunk lids, like hatchback cars, station wagons, pickup trucks, sport utility vehicles, and vans. Although these vehicles sometimes have a package shelf behind the rear seat that covers a concealed cargo area, the package shelf is not fixed. If anyone were trapped in that area, they could readily lift the package shelf and escape.

Commenters are asked to specifically address the proposed definition for a trunk lid and state whether they believe it is acceptable for the purposes of this new standard. If the commenter believes the proposed definition is unclear in some cases, we ask the commenter to provide specific examples of vehicles where they are unsure whether there is a trunk lid.

Consideration of Exclusions for Small Trunks or Vehicles Made by Small Manufacturers

During the Expert Panel meetings, an issue was raised as to whether vehicles with small trunks should be excluded from the requirement for an interior trunk release. The reason suggested was that some trunks are so small it would be physically impossible for a person to fit inside them. NHTSA has decided not to propose such an exemption. While there certainly are vehicles, especially two-seaters and sports cars, with very small trunks, the agency is not aware of any trunk that is so small a 3-year-old child could not get inside. However, the agency specifically asks commenters to address this tentative conclusion. If there are vehicle trunks that are so small even a 3-year-old child could not fit inside, NHTSA asks the commenter to give the dimensions of the trunk compartment and a suggested method for measuring a trunk compartment to see if it is so small the commenter believes it should be excluded from the

internal trunk release requirement. In formulating the final rule on this subject, NHTSA will consider the information in the comments and elsewhere as we re-examine our tentative decision to make even small trunks subject to this internal release requirement.

A variant on this request was that vehicles made by small manufacturers, *i.e.,* a company that makes no more than a few thousand vehicles each year, be excluded from the requirement for an internal trunk release. NHTSA understands that these small manufacturers have much lesser resources than manufacturers like Ford or General Motors. In recognition of this, we have occasionally allowed small manufacturers more time to comply with requirements that require intensive engineering than is allowed for larger manufacturers. However, we do not believe it is necessary or appropriate to do that with respect to internal trunk releases. The agency does not believe that designing and installing an internal trunk release presents the same kind of engineering challenge that advanced occupant protection systems do. The approaches taken by Ford and General Motors for internal trunk releases are publicly available. Thus, we are not proposing to exclude low volume manufacturers from the internal trunk release standard.

Leadtime

Again, all vehicle manufacturers, not just low volume ones, can study the approaches Ford and General Motors have taken for internal trunk releases. Hence, no lengthy leadtime appears necessary before implementing a requirement for internal trunk releases.

The Expert Panel was considering a recommendation that all manufacturers should design and install trunk safety features, including internal trunk release mechanisms, into all new vehicles by September 1, 2000, which would coincide with the start of the 2001 model year. However, representatives of vehicle manufacturers stated that, while they could meet that date, a few more months would allow them to ensure their internal trunk release mechanisms were more effective. Those representatives asked that the date be postponed four months, to January 1, 2001, and the Expert Panel adopted the January 1, 2001 date in its final recommendations. We are proposing the same January 1, 2001 date in this notice.

Organization Within Federal Motor Vehicle Safety Standards

NHTSA has typically organized its safety standards so that the 100 series of standards represents the crash avoidance standards (those designed to reduce the likelihood of being in a crash), the 200 series of standards represents the crashworthiness standards (those designed to protect the occupant in the event of a crash), and the 300 series of standards represents the post-crash fire standards (those designed to minimize the likelihood of a fire after a crash). A standard for an internal trunk release doesn't fit into any of these categories because there is no crash associated with the problem of becoming trapped inside a locked trunk. Therefore, we are proposing a new series of standards, the 400 series, that will be dedicated to motor vehicle injury prevention in non-crash events. This standard for internal trunk releases is proposed to be Standard No. 401.

Rulemaking Analyses and Notices

a. Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has examined the impact of this proposed rulemaking action and determined that it is not significant within the meaning of Executive Order 12866 and not significant within the meaning of the Department of Transportation's regulatory policies and procedures. Information indicates that an approach to internal trunk releases such as Ford has chosen can be accomplished for about $2.00 per vehicle. There are approximately 7 million new vehicles with trunks sold each year in the United States. Thus, if this proposal were adopted as a final rule, we would anticipate total costs of about $14 million, well under the $100 million level needed to classify a rule as major. Accordingly, the agency has not prepared a full preliminary regulatory evaluation for this proposal.

b. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Public Law 96–354), as amended, requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. The only parties affected by this proposal will be manufacturers of motor vehicles with trunks. To the extent that some of those parties qualify as small businesses, the costs associated with this proposal are so minor that no significant impacts on small businesses will result if this proposal were adopted as a final rule.

c. Executive Order 12612

This proposal has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and the agency has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

d. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires 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 annually. This proposal would not have any such impacts on those parties. As noted above, the agency expects the costs associated with this proposal to be about $2.00 per car, or about $14 million in the aggregate.

e. National Technology Transfer and Advancement Act

This proposal is consistent with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113). Under the Act, ''all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.'' There are no such standards available at this time. However, one of the Expert Panel's recommendations was that the Society of Automotive Engineers (SAE) should begin work to develop a recommended practice for the design and performance of trunk safety features, including internal trunk release mechanisms. NHTSA will consider any such SAE recommended practice when it becomes available.

f. National Environmental Policy Act

NHTSA has analyzed this proposed rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that adoption of this proposal in a final rule of this action would not have any significant impact on the quality of the human environment.

g. Executive Order 12778 (Civil Justice Reform)

This proposal does not have any retroactive effect. Under section 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.

h. Paperwork Reduction Act

This proposal does not have any requirements that are considered to be information collection requirements as defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320.

Submission of Comments

How Can I Influence NHTSA's Thinking on This Document?

In developing this document, we tried to address the concerns of all our stakeholders. Your comments will help us improve this rule. We invite you to provide different views on options we propose, new approaches we have not considered, new data, how this document may affect you, or other relevant information. We welcome your views on all aspects of this document. Your comments will be most effective if you follow the suggestions below:

Explain your views and reasoning as clearly as possible.

- Provide solid technical and cost data to support your views.
- If you estimate potential costs, explain how you arrived at the estimate.
- Tell us which parts of this document you support, as well as those with which you disagree.
- Provide specific examples to illustrate your concerns.
- Offer specific alternatives.
- Refer your comments to specific sections of this document, such as the units or page numbers of the preamble, or the regulatory sections.
- Be sure to include the name, date, and docket number with your 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**.

Comments may also be submitted to the docket electronically by logging onto the Dockets Management System website at http://dms.dot.gov. Click on ''Help & Information'' or ''Help/Info'' to obtain instructions for filing the document electronically.

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. Although the comments are imaged documents, instead of word processing documents, the ''pdf'' versions of the documents are word searchable.

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.

Plain Language

Executive Order 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA proposes to amends 49 CFR Chapter V 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, 30166 and 30177; delegation of authority at 49 CFR 1.50.

2. A new section 571.401 would be added to Part 571, to read as follows:

§ 571.401 Standard No. 401; Internal trunk release.

S1. *Purpose and scope.* This standard establishes the requirement for providing a release mechanism inside the trunk compartment of a motor vehicle, so that people trapped inside the trunk will be able to unlatch the trunk.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, buses, and trucks that have a trunk lid.

S3. *Definitions.* Trunk lid means a movable body panel that provides access from outside the vehicle to a space wholly partitioned from the occupant compartment by a permanently attached partition or a fixed or fold-down seat back.

S4. *Requirements.* Each motor vehicle that has a trunk lid shall have a release mechanism inside the trunk compartment that unlatches the trunk lid. This internal trunk release must include a feature, like lighting or phosphorescence, that allows it to be easily seen inside the closed trunk.

Issued on December 13, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99–32752 Filed 12–14–99; 3:51 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 990922260–9260–01; I.D. 083199E]

RIN 0648–AM84

Designation of the Cook Inlet, Alaska, Stock of Beluga Whale as Depleted Under the Marine Mammal Protection Act (MMPA) and Response to Petitions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments; extension of comment period.

SUMMARY: On October 19, 1999, NMFS proposed to designate the Cook Inlet beluga whales as depleted under the MMPA. In response to requests from the public, NMFS is extending the comment period for 30 days.

DATES: Comments and information must be received by January 19, 2000.

ADDRESSES: Comments should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Payne, NOAA/NMFS, Alaska Region, (907) 586–7235, or Brad Smith, NOAA/NMFS, Alaska Region, Anchorage Field Office, (907) 271–5006.

SUPPLEMENTARY INFORMATION: On October 19, 1999, NMFS proposed to designate the Cook Inlet, Alaska, stock of beluga whales as depleted under the MMPA (64 FR 56298). Subsequently, NMFS received several requests from the public to extend the comment period for an additional 30 days to allow the public more time to review and comment on the proposed designation. NMFS agrees that an additional 30 days for public comments is warranted and extends the comment period through January 19, 2000.

Dated: December 13, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–32777 Filed 12–16–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 120699A]

RIN 0648–AK96

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 17

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of Amendment 17 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 17 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico for review, approval, and implementation by NMFS. Amendment 17 would extend the commercial reef fish vessel permit moratorium for 5 years to December 31, 2005. The current moratorium is scheduled to expire on December 31, 2000. The purpose of the moratorium is to provide a stable environment in the fishery for evaluation and development of a more comprehensive controlled access system for the entire commercial reef fish fishery.

DATES: Comments must be received no later than 5 p.m., eastern standard time, on February 15, 2000 at the appropriate address or fax number (See **ADDRESSES**).

ADDRESSES: Written comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via facsimile (fax) to 727–570–5583. Comments will not be accepted if submitted via e-mail or Internet.

Requests for copies of Amendment 17, which includes an environmental assessment and a regulatory impact review, should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida 33619–2266; phone: 813–228–2815; fax: 813–225–7015; e-mail: Gulf.Council@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Michael C. Barnette, NMFS, 727-570-5305, fax 727–570–5583, e-mail Michael.Barnette@noaa.gov.