FCC, interested parties should serve the petitioner, or their counsel or consultant as follows: Craig T. Dale, 2104 Ripley, El Dorado, AR 71739 (Petitioner); Larry G. Fuss, Contemporary Communications, P.O. Box 1901, El Dorado, AR 71731 (Consultant).

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–184, adopted May 6, 1987, and released June 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 1.1231 for rules governing permissible *ex parte* contact.

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.

Mark N. Lipp,

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

[FR Doc. 87–13694 Filed 6–15–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–181, RM–5500]

Radio Broadcasting Services; Earl Park, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by IBN Broadcasting, Inc. proposing the substitution of FM Channel 251B1 for Channel 252A at Earl Park, Indiana and modification of the license of Station WIBN–FM, Earl Park, Indiana to specify operation on Channel 251B1.

DATE: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard J. Hayes, Jr., Attorney at law, 1359 Black Meadown Road, Spotsylvania, Virginia 22553 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–181 adopted April 24, 1987, and released June 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

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 1.1231 for rules governing permissible *ex parte* contact.

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.

Mark N. Lipp,

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

[FR Doc. 87–13696 Filed 6–15–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–187, FM–5564]

Radio Broadcasting Services; Bad Axe, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Thumb Broadcasting, Inc., proposing the substitution of FM Channel 271C2 for Channel 221A at Bad Axe, Michigan, and modification of its license of Station WLEW (FM), to reflect the higher class of channel. The allotment requires a site restriction 14.7 kilometers (9.1 miles) northwest of the community and concurrence of the Canadian government.

DATE: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or their counsel or consultant, as follows: James R. Bayes, Jerry V. Haines, Wiley, Rein & Fielding, 1776 K Street NW., Washington DC 20006.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–187, adopted March 13, 1987, and released June 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

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 1.1231 for rules governing permissible *ex parte* contact.

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-13697 Filed 6-15-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-182, RM-5543]

Radio Broadcasting Services; Bear Lake, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document comments on a petition filed by Andrew L. Banas, proposing the substitution of Channel 262C2 for Channel 261A at Bear Lake, Michigan, and modification of the construction permit for Station WRQT at Bear Lake to specify the higher class of channel. Canadian concurrence is required for the allotment of this channel. This proposal could provide a first wide coverage area station to Bear Lake.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Stanley G. Emert, Jr., Watson & Emert, 2108 Plaze Tower, Knoxville, Tennessee 37929 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-182, adopted May 7, 1987, and released June 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037..

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 1.1231 for rules governing permissible *ex parte* contact.

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.

Mark N. Lipp,

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

[FR Doc. 87-13698 Filed 6-15-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-188, RM-5628]

Radio Broadcasting Services; Banks, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by P-N-P Broadcasting to allocate Channel 298A to Banks, Oregon, as the community's first local FM service. Channel 298A can be allocated to Banks in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence in the allocation is required since Banks is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before August 3, 1987, and reply comments on or before August 18, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Duane J. Polich, P-N-P Broadcasting, 9235 NE. 175th, Bothall, Washington 98011 (petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, MM Docket No. 87-188, adopted May 5, 1987, and released June 11, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 1.1231 for rules governing permissible *ex parte* contact.

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.

Mark N. Lipp,

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

[FR Doc. 87-13699 Filed 6-15-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-08; Notice 1]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice requests comments on whether the agency should require manufacturers to install lap/shoulder belts in the rear seating positions of passenger cars, multipurpose passenger vehicles, such as vans and utility vehicles, and small buses. This notice presents the results of the agency's preliminary review of the benefits and cost associated with rear seat lap/shoulder belts and requests the public to comment on those results. The

agency is specifically seeking comment on the cost-effectiveness of requiring rear seat lap/shoulder belts, by vehicle type.

DATE: Comments on this notice must be received by July 31, 1987.

ADDRESS: Comments should refer to the docket and notice number for this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Strombotne, Chief, Crashworthiness Division, NRM–12, Room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 Telephone (202) 366–2264.

SUPPLEMENTARY INFORMATION:

Background

On January 1, 1968, the initial Federal Motor Vehicle Safety Standards went into effect. One of those standards was Standard No. 208, *Occupant Crash Protection,* which required the installation of safety belts in passenger cars. The standard provided for installation of a lap/shoulder belt for the driver and for the right front passenger. In addition, the standard required the installation of, at least, lap belts for all other passengers. Another of the initial safety standards issued by the agency was Standard No. 210, *Seat Belt Assembly Anchorages,* which set location and strength requirements for the anchorages used in installing safety belts. The standard required manufacturers of passenger cars to provide lap/shoulder belt anchorages for the front and rear outboard seats. (NHTSA subsequently amended both standards to extend their applicability to trucks, buses, and multipurpose passenger vehicles. In extending Standard No. 210, the agency did not, however, require manufacturers to provide upper torso belt anchorages for the rear seating positions in trucks, multipurpose passenger vehicles, and buses.)

In 1982, John Melvin and Kathleen Weber of the University of Michigan Transportation Research Institute petitioned the agency to require the installaiton of lap/shoulder belts in the rear outboard seating positions of passenger cars. The petitioners explained that one of the primary reasons for their request was to facilitate the use of booster seats for children in the rear seats. In addition, they said that the availability of rear seat lap/shoulder belts would provide additional safety for adult occupants as well. In 1984 (49 FR 15241), NHTSA denied the petition. Although NHTSA agreed with the petitioners that lap/shoulder belts could provide additional protection to adults, the agency explained that existing crash data showed that rear seat lap belts already provide effective protection. In addition, the agency then estimated that rear seat lap/shoulder belts with emergency locking retractors would cost an additional $20 more than the existing lap belt systems found in the rear seats of most passenger cars. NHTSA concluded that the additional cost could not be justified based on the possibility of increased belt usage or belt effectiveness.

In an attempt to increase the ease and frequency of rear seat shoulder belt retrofit installations (i.e., voluntary installations by the vehicle owner), the agency adopted a requirement that the owner's manual identify the location of the shoulder belt anchorages, which have long been required by Standard No. 210 for passenger cars (50 FR 41356). The owner's manual information requirement goes into effect on September 1, 1987. (51 FR 29552).

In August 1986, the agency granted a petition from the Los Angeles Area Child Passenger Safety Association requesting the agency to require the installation of rear seat lap/shoulder belts. The agency decided to grant the petition and re-examine whether to require the installation of rear seat lap/shoulder belts because of the widespread adoption of state safety belt use laws as a result of the Department's July 1984 decision on occupant crash protection (July 17, 1984, 49 FR 28962). At present, 25 states and the District of Columbia now have safety belt use laws.

Although most of the laws require the use of safety belts in the front seats only, four of the laws require both front and back seat occupants to buckle up. As a result of the state laws, the number of people wearing safety belts has substantially increased. For example, the December 1986 results for the agency's ongoing survey of safety belt usage in 19 cities throughout the United States show that in the 13 cities with safety belt laws in effect during the last 6 months of 1986, 46 percent of the drivers were buckled up. The cities of Dallas and Houston reported the highest usage rates in that study at 67 percent and 64 percent, respectively. The most recent information from North Carolina shows that the usage rates in that state have now reached 78 percent since its fine went into effect in January 1987.

The adoption of safety belt use laws and the growing public awareness of the benefits of safety belts has also brought about a general nationwide increase in safety belt usage. The primary increase in belt usage has been in the front seat, where nationwide, the usage rose from over 10 percent in 1981–82 to almost 22 percent in 1985. There has also been an increase in rear seat usage, from approximately 2 percent usage in 1981–82 to almost 10 percent usage in 1985.

As a part of its efforts to re-examine this issue, the agency has prepared a Preliminary Regulatory Impact Analysis which takes a comprehensive look at the costs and safety benefits of rear seat lap/shoulder belts. The results presented in the PRIA, a copy of which has been placed in the public docket for this rulemaking, show that rear seat lap belts have been effective in reducing deaths and serious injuries. Although lap/shoulder belts may provide additional benefits, the amount of those benefits is likely to be relatively small at current usage rates. The agency estimates such benefits to be a reduction of approximately 10 fatalities and 400 serious injuries per year. The PRIA also shows that the costs associated with installing rear seat lap/shoulder belts are substantial. The agency estimates that the cost of installing lap/shoulder belts at all rear seating positions would be approximately $248 million for passenger cars, $63 million for light trucks and light multipurpose passenger vehicles, and $0.8 million for light buses. If a requirement were limited to installing lap/shoulder belts in the rear outboard seating positions, the costs would still be substantial. $139 million for passenger cars, $21 million for light trucks and multipurpose passenger vehicles, and $0.1 million for buses.

The agency is concerned that such costs are extremely disproportionate to the possible safety benefits. In examining the cost-effectiveness of several existing passenger car crashworthiness standards, the agency finds that these standards (Nos. 203/204, 205, 214, and 301) are from 20 to 160 times more cost-effective than would be a rear seat lap/shoulder belt requirement. Requiring significant industry and agency resources to be spent for relatively little safety gain can result in a lost opportunity to better improve vehicle safety through other means, such as improved frontal or side impact protection. The agency seeks specific comment on this point.

Another factor mitigating the need for a new Federal requirement is the voluntary installation of rear seat lap/shoulder belts in passenger cars by manufacturers. At present at least eight manufacturers (Audi, BMW, Jaguar,

Mercedes-Benz, Peugeot, Rolls-Royce, SAAB, and VW) are installing rear seat lap/shoulder belts in most, if not all of their passenger cars. In addition, General Motors has begun installing rear seat lap/shoulder belts as standard equipment in several of its existing models and has announced plans to install those belts in all of its passenger vehicles by 1989. Both Ford and Chrysler are also planning to install rear seat lap/shoulder belts in some of their cars. Because of all these factors, NHTSA believes it will be difficult to demonstrate that requiring installation of lap/shoulder belts would be cost effective.

In the following sections of this notice, the agency summarizes the major conclusions from the PRIA and requests the public to raise any additional issues or provide any additional data the agency should consider. In addition, the notice requests comments on several other issues related to the installation of rear seat lap/shoulder belts, such as whether those belts should be subject to a crash test requirement and whether comfort and convenience requirements should be applied to those belts.

Effectiveness of Current Lap Belts

There have been a number of recent studies, conducted by the agency and others, that have examined the performance of lap belts in the rear seat and found that they have been effective in reducing deaths and injuries. For example, NHTSA has used data from the Restraint System Evaluation Program, completed in 1976, from Maryland (1981–1984) and North Carolina (1979–1985), from the National Accident Sampling System and its predecessor, the National Crash Severity Study 1977–1984, and from the Fatal Accident Reporting System. These studies contain thousands of cases, which clearly show that lap belts are effective in preventing death and reducing injuries.

In stark contrast to these comprehensive studies, a study released last year by the National Transportation Safety Board (NTSB), which contained a limited analysis of 26 severe frontal crashes, has implied that people would be bettor off not wearing lap belts when riding in the rear seat of a car. NHTSA has recently written NTSB expressing concern that the Board could or would reach its conclusions based on the very small number of accident cases contained in its report. NHTSA cited the comprehensive studies mentioned above and told the Board that the data cases represented by those files far better reflect the real-world effectiveness of lap belts than the tiny sample selected by NTSB for review.

As the agency noted in its reponse to the Board, we are also concerned that the Board's report may have done considerable harm to nationwide efforts to increase safety belt usage. The Board's report and the accompanying publicity has confused the public and dampened enthusiasm for State safety belt usage laws, as well as belt usage generally. It is hoped that the agency's future efforts and those of others in the safety community will overcome any long term negative effects that the Board's report may have had.

As a part of the PRIA prepared for this rulemaking, NHTSA analyzed the potential safety benefits of installing shoulder belts in passenger cars, light trucks, light MPV's, and light buses. In 1985, the most recent year for which complete data is available, there were approximately 1,700 fatalities and more than 190,000 injuries in the rear seat. Based on its review of available data, NHTSA estimates that manual lap belts in the rear seat are 26 percent effective in reducing fatalities and lap/shoulder belts in the rear seat might be 33 percent effective in reducing fatalities. NHTSA estimates that rear seat lap belts are 33 percent effective in reducing moderate-to-severe injuries, while rear seat lap/shoulder belts could be 50 percent effective in reducing those injuries.

NHTSA then examined data on the current safety belt usage rates in the rear seats of passenger cars, light trucks, buses, and MPV's. The agency then combined the safety belt effectiveness estimate and the usage rate data with current injury data to estimate the number of deaths and injuries that would be saved if vehicles were equipped with lap/shoulder belts. The results of those calculations showed that, when compared to the performance of rear seat lap belts at current usage rates, lap/shoulder belts installed at each rear seating position in passenger cars could reduce 10 additional fatalities and 330 additional moderate to serious injuries, with approximately 90 percent of those benefits accruing from use of the lap/shoulder belt in the outboard seats. The calculations also showed that lap/shoulder belts in light trucks and MPV's can reduce 55 moderate to serious injuries, but would bring about no reduction in fatalities; approximately 70 percent of the reduction is due to use of lap/shoulder belts in the outboard seats. Finally, the agency calculated that, because of their low current usage and injury rates, there would be almost no safety benefits associated with installing rear seat lap/shoulder belts in light buses.

NHTSA's estimates of the potential benefits of rear seat lap/shoulder belts is based on the benefit to the rear seat passenger. The agency requests information from commenters on what effects, if any, rear seat lap/shoulder belts would have in reducing injuries to front seat occupants, due to the possible decrease in instances where the rear seat occupant imposes additional force on the back of the front seat. The agency also requests information on what effect, if any, rear seat lap/shoulder belts may have in increasing usage rates.

Cost of Installing Rear Seat Lap/Shoulder Belts

As previously discussed, Standard No. 210 currently requires the installation of anchorages for rear seat lap/shoulder belts in all outboard seats in passenger cars other than convertibles. Thus, the costs associated with installing a lap/shoulder belt at those positions are the costs of the attaching hardware and additional webbing. NHTSA estimated that installing lap/shoulder belts in the outboard seating positions in passenger cars would cost approximately $12 per car. Installing a lap/shoulder belt for the center rear seat would require additional structural reinforcement as well as the installation of a retractor and retractor housing at an additional cost of $20. Thus, the annual cost of installing lap/shoulder belts in only the rear outboard seats in $139 million and requiring those belts for the center rear seat, as well, would increase the costs to $248 million. These costs are based on a regulatory requirement for such belts. To the extent that manufacturers already install lap/shoulder belts in the rear seat, the costs would be reduced proportionately. Similarly, the benefits discussed earlier would also be reduced proportionately.

Unlike its requirements for passenger cars, Standard No. 210 does not require light trucks, multipurpose passenger vehicles, and buses to have lap/shoulder belt anchorages for the rear seat. Thus, the cost of requiring lap/shoulder belts in those vehicles is greater than for passenger cars because vehicle manufacturers must make structural changes to those vehicles to secure the upper torso portion of a lap/shoulder belt. NHTSA esimates that the cost of lap/shoulder belts for the rear outboard seat in light trucks and multipurpose passenger vehicles would range from $7 to $33, depending on vehicle type and seating configuration and whether structural modifications

are needed. The cost for equipping all rear seating positions with lap/shoulder belts would range from $13 to $190.

Limiting the requirement to the second seat in light trucks and multipurpose passenger vehicles would reduce the costs to a range of $7 to $13 for outboard seats and $13 to $65 for the outboard and center seating positions in the second seat. The total annual cost of installing lap/shoulder belt in all rear outboard seats in light trucks and multipurpose passenger vehicles would be $21 million. Covering center seats as well would increase the total cost to $63 million. If the requirement is limited to the second seat, the annual costs for installing lap/shoulder belts for the outboard seats would be $16 million and the cost for covering the outboard and center seating positions would be $56 million.

The agency has also estimated the potential industry costs of installing lap/shoulder belts in the rear seats of buses. Due to the small number of such vehicles, those costs range from $68,000 for installing lap/shoulder belts at only the outboard positions of the second seat to $804,000 to installing lap/shoulder belts at all positions in all rear seats.

The agency requests commenters to provide additional cost data on installing rear seat lap/shoulder belts. In particular, the agency asks commenters to address whether additional structural changes, beyond the ones described in the PRIA, would be needed to install rear seat lap/shoulder belts. The agency also requests commenters to provide information on the number of vehicles in which they would need to substitute an emergency locking retractor for an automatic locking retractor in order to install the belt and what the cost effects of that substitution would be.

Manufacturer Plans To Install Rear Seat Lap/Shoulder Belts

As mentioned previously, at least eight manufacturers (Audi, BMW, Jaguar, Mercedes-Benz, Peugeot, Rolls-Royce, SAAB, and VW) are currently installing rear seat lap/shoulder belts in most, if not all of their passenger cars. In addition, General Motors has begun installing rear seat lap/shoulder belts as standard equipment in several if its 1987 models and plans to install those belts as standard for all its passenger vehicles during the 1988–1989 time frame.

Several other vehicle manufacturers have recently provided the Consumer Subcommittee of the U.S. Senate Committee on Commerce, Science and Transportation with information about their current plans to install rear seat lap/shoulder belts. In a March 5, 1987 hearing before the Subcommittee, Chrysler said it will begin phasing-in those belts in the 1989 model year and also plans to offer a dealer-installed retrofit shoulder belt for its "current models and many earlier models." Ford told the Subcommittee that it "presently equips its Merkur XR4Ti models with three-point safety belts in the rear outboard seating positions, and we plan to expand the use of these systems during the next few years." Ford said it is also "developing dealer-installed rear lap/shoulder belt accessory kits, which we plan to have available for all 1988 car lines during the model year."

Honda informed the subcommittee that it "has installed rear seat lap/shoulder belts in its Accord model since 1982 and in the Legend since its introduction in 1986. We plan to rapidly phase-in rear seat lap/shoulder belts at the outboard seating positions in other models." Nissan said that it currently installs rear seat lap/shoulder belts as standard equipment in its 1987 Maxima models. Nissan also said that its "current plans are to phase in real lap-and-shoulder belts one model at a time, so that all 1990 model year passenger car models will be so equipped. Our multi-purpose passenger vehicles which have rear seating positions will include the real lap-and-shoulder belts as standard equipment by the 1991 model year." Toyota told the Subcommittee that it "intends to have lap and shoulder belts in the rear outboard seating position as standard equipment on Model Year 1988 Cressida and Camry vehicles. Rear lap and shoulders belts will be optional equipment on all other Model Year passengers vehicle and MPV's. For Model Year 1989, passenger vehicles and MPV's will have as standard equipment lap and shoulder belts in the rear outboard positions."

As discussed above, a substantial percentage of the manufacturers producing or importing vehicles into the U.S. now have or plan to install rear seat lap/shoulder belts in their passenger vehicles. So that the agency will have the most up-to-date information, the agency requests manufacturers that have not yet announced whether they will install rear seat lap/shoulder belts to provide the agency with information about their current plans, including information on their plans for MPV's light trucks and buses as well as passenger cars.

Dynamic Testing

Standard No. 208 provides that, if the automatic restraint requirement is rescinded, then beginning on September 1, 1989, all passenger cars with manual lap/shoulder belts installed in the front outboard seats must meet the occupant protection performance requirements set for automatic restraint in a 30 mph frontal barrier crash. The agency has proposed applying a similar requirement to the manual lap/shoulder belts installed in the front outboard seats of light trucks and MPVs. Although the agency believes it is appropriate that rear seat lap/shoulder belts provide the same level of protection as front seat lap/shoulder belts. NHTSA does not have any data on the performance levels of current rear seat lap/shoulder belt systems in vehicle crash tests. NHTSA asks commenters to provide data on the result from sled or vehicle crash tests in which anthropomorphic test dummies, either the Part 572 Subpart B test dummy or the newer Hybrid III test dummy, have been restrained by lap/shoulder belts in the rear seat.

Comfort and Convenience

In November 1985, NHTSA established a new set of performance requirements aimed at making safety belts easier to put on and more comfortable to wear. Several of those performance requirements, such as the requirements in S7.4.6 that are designed to prevent safety belts from slipping between the seat cushions, apply to both the front and rear seats. However, the other performance requiremens apply only to automatic or manual lap/shoulder belts installed in the front seat of vehicles. For example, S7.4.3 of the standard, which limits the pressure that can be exerted by the shoulder belt, applies to safety belts in the front seat. Likewise, the safety belt retraction requirements of S7.4.5 apply only to the front seat. NHTSA requests comments to address whether the agency should consider applying the comfort and convenience requirements applicable to front seat lap/shoulder belts to rear seat lap/shoulder belts installed in the rear already comply with the front seat comfort and convenience requirements, and the costs associated with redesigning, if necessary, rear seat lap/shoulder belts to comply with the front seat comfort, and convenience requirements.

Regulatory Impacts

NHTSA has examined the potential impacts of this rulemaking action. This advance notice of proposed rulemaking is not subject to Executive Order 12291, since that order applies only to notices of proposed rulemaking and final rule. However, NHTSA believes that this advance notice of proposed rulemaking does concern a matter in which there is substantial public interest, which makes

it a "significant" rulemaking action within the meaning of the Department of Transportation's regulatory policies and procedures. As discussed early in this notice, the agency has prepared, and placed in the public docket, the equivalent of a preliminary regulatory impact analysis for this rulemaking.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submision, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-address stamped postcard. Upon receiving the comments the docket supervisor will return the postcard by mail.

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

Issued on June 11, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-13690 Filed 6-15-87; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

[Docket No. 70616-7116]

Red Drum Fishery of the Gulf of Mexico

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule amending the regulations for the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico (FMP). The proposed rule: (1) Establishes primary and secondary fishing areas and prohibits harvest of red drum from secondary areas, (2) revises the quota requirement to include allocations for shrimp vessels and recreational fishing vessels, (3) revises the closure requirement to apply to shrimp and recreational vessels, (4) prohibits the sale of fish landed under the bag limit, (5) requires that fish be landed in conformance with State laws, and (6) revises the allocation procedure. The intended effect is to integrate State and Federal management and to prevent overfishing while achieving optimum yield (OY) from the red drum fishery on a continuing basis.

DATE: Written comments on the proposed rule will be received until Saturday, July 25, 1987.

ADDRESS: Comments on the proposed rule and requests for copies of Amendment 1 and its associated documents should be sent to William R. Turner, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Fl 33702.

FOR FURTHER INFORMATION CONTACT: William R. Turner, 813 893-3722.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce (Secretary) prepared the FMP under section 304(c) of the Magnuson Fishery Conservation and Management Act (Magnuson) Act). Implementing regulations (51 FR 46678, December 24, 1986) were effective December 19, 1986. Earlier, the Secretary promulgated an emergency rule (51 FR 23553, June 30, 1986) that limited directed net harvest of red drum from the exclusive economic zone (EEZ) to one million pounds during its 90-day effective period (June 25 to September 23, 1986); it also limited non-directed fisheries (incidental bycatch) to five percent of red drum by weight of the total catch aboard a vessel. The directed fishery was closed on July 20, 1986 (51 FR 26554, July 24, 1986; corrected at 51 FR 27413, July 31, 1986). The Secretary extended the emergency rule (51 FR 34220, September 26, 1986) for a second 90-day period, until December 22, 1986.

The Gulf of Mexico Fishery Management Council (Council) prepared Amendment 1 to the FMP and this proposed rule to amend the regulations implementing the FMP. Utilizing the advice and expertise of its Scientific and Statistical Committee (SSC) and its Red Drum Advisory Panel (AP), the Council has revised and restated the management unit, problems in the fishery, management objectives, OY, the procedure for specifying harvest levels from the EEZ, allowable harvest levels, and other provisions of the FMP.

Management Unit

Amendment 1 divides the EEZ into areas for which management measures differ. These areas consist of a "primary area", the EEZ between the Florida/Alabama border and the Texas/Louisana border, and two "secondary areas", the EEZ off Florida and the EEZ off Texas (Figure 2). Retention or harvest of red drum from the secondary areas will be prohibited. This rule applies only to these areas, unless otherwise specified. The States will be requested to adopt compatible regulations for their fisheries where applicable.

Different management measures in the primary and secondary areas are based on differing historic stock trends in the fishery, differing geographic jurisdictional limits, and other socioeconomic considerations. Historically, more than 98 percent of catch in the EEZ has been from NMFS statistical areas 11 through 16 (Figure 2) off Alabama, Mississippi, and Lousiana (see 8-10 and 12-1 in the FMP). Biological and fishery data suggest that there is no significant migration and mixing of offshore adult fish. They also suggest that there is a higher standing stock abudance of adults in the primary area than in the secondary areas, which probably results from a higher historical escapement rate of juveniles (or subadults) from the estuarine areas inshore of the primary area (Amendment 1, section 12.2).

Conversely, fishing and total mortality rates for the west coast of Florida, derived from tagging studies conducted