

## 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 reallocate 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.*

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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