

consistent with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission's Rules with a plus offset and a site restriction of 1.9 kilometers (1.2 miles) west. The coordinates for Channel 48+ are 36-27-32 and 83-35-07. The proposed allotment at Tazewell is not affected by the temporary freeze on new television allotments in certain metropolitan areas. It is also proposed to change the offsets designation for Channel 48 at Greenwood, South Carolina, and Channel 48 at Columbus, Georgia.

DATES: Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James F. Stair, II, 2424 Bainbridge Way, Powell, Tennessee 37849 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-97, adopted June 13, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (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 1.1204(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

Television 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

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition from Mr. Charles Smyth for rulemaking to require the use of Daytime Running Lights (DRLs) on all vehicles in America. The agency does not have the authority to require retrofitting of vehicles in use, and the issue of mandatory DRLs on new motor vehicles has been considered by the agency on numerous occasions and is still under consideration. Federal Motor Vehicle Safety Standard No. 108; "Lamps, Reflective Devices and Associated Equipment," was amended in 1993 to permit new vehicles to be equipped with DRLs and to assure that if used, they cause no safety problems. Canada mandated DRLs on all new passenger cars, multipurpose vehicles, buses and trucks manufactured for sale after December 1, 1989. General Motors (GM), SAAB, Volvo, and Volkswagen have begun to market DRL equipped vehicles in the United States (U.S.). NHTSA is monitoring Canadian U.S. crash data to evaluate the benefit of DRL use in the U.S. Should the safety experience demonstrate that DRLs are cost-effective safety devices, NHTSA would consider mandating them.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Rulemaking, NHTSA, 400 Seventh Street SW., Washington, DC 20590. Mr. Medlin's telephone numbers are: (202) 366-5276; FAX (202) 366-4329.

SUPPLEMENTARY INFORMATION: By a letter dated February 17, 1995, Mr. Charles Smyth petitioned the agency to require the use of DRLs on all cars in America. Mr. Smyth stated that SAAB cars have had DRLs since 1968 and that Sweden made them mandatory in 1977. He also stated that Volvo had made DRLs

standard on its 1995 cars. Mr. Smyth stated that Transport Canada had just completed a study that showed an 8.3% reduction of two-vehicle, opposing-direction, daytime collisions by comparing the crash experience of vehicle model years before and after the DRL legislation (mandate) in Canada. Mr. Smyth claims other studies have shown reductions in crashes among vehicles where DRLs have been used and that the growing support for DRLs is overwhelming. However, Mr. Smyth did not provide any analysis of the potential benefits of DRLs in U.S. driving situations in his petition nor did he consider the cost to the public of such a decision.

NHTSA has investigated the use of "lamps on" to improve highway safety. The use of DRLs, headlamps or other lamps on the front of the vehicle during the daytime makes vehicles more visible. NHTSA has tested DRLs, in white and amber colors, with intensities ranging from as bright as turn signal lamps to brighter than lower beam headlamps. These lamps operate automatically with the ignition switch, with no other lamps being illuminated. NHTSA has carefully analyzed DRL studies from around the world for the effectiveness of automotive DRLs in reducing crashes. The agency has not yet found any studies that have shown conclusively that DRLs would be effective in reducing the number of crashes in the U.S.

A 1990 study by the Netherlands TNO Institute for Perception titled "Daytime Running Lights: A Review of Theoretical Issues and Evaluation Studies" concluded that there is no unequivocal evidence of an effect of DRL on accident rates. Most of these former DRL studies had statistical or methodological shortcomings such that their value to NHTSA in evaluating DRL use in the U.S. was limited. Michael Perel reviewed previous DRL studies in "Evaluation of the Conspicuity of Daytime Running Lights," *Auto & Traffic Safety*, Summer 1991, Vol. 1 No. 1, National Highway Traffic Safety Administration Document No. DOT-HS-807-755. Perel found that flaws such as collecting data only during twilight-viewing conditions, too few subjects for statistical validity, unintended bias introduced by failure to randomize DRL application between study groups, comparing non-comparable groups, and subjective measurement/observer bias influences, existed in these studies. Perel noted that the Netherlands postponed a planned regulation of DRLs because of criticism of past studies. Additionally, Perel stated that whether flawed or not, many

of the studies were limited because of their low relevance to the U.S. regarding the driving environment, including ambient light level differences, greater proportions of pedestrian and cyclist crashes in the study countries, and effects voluntary usage.

NHTSA has received the Transport Canada DRL report and the agency is still analyzing it. It provides a positive look at a narrow range of crashes that are susceptible to the DRL solution. More information is expected from Canada which will provide a view of DRL effect on all types of crashes. When received, it may provide a valuable resource for determining the value of DRLs in the U.S.

Because NHTSA has not yet been able to show a national safety benefit from the use of DRLs, a regulation mandating the installation and activation of any type of daytime lamp is not appropriate at this time. The agency does know, however, that DRLs improve a vehicle's frontal conspicuity in low to moderate ambient daylight illumination typical of more northern latitudes than those of the U.S. In 1990, GM petitioned the agency to change the lighting safety standards to explicitly permit but not mandate DRLs. As a result of GM's petition, Standard No. 108 was changed to permit certain kinds of DRLs which do not exhibit disbeneficial performance such as turn signal masking or glare in mirrors. GM has decided to provide DRLs on the 1995 Geo Metro, Chevrolet S10 pickup and the Corsica and Beretta intended for the U.S. market and plans to increase model coverage over the next few years. VW's Jetta III, Golf III and GTI car lines also have DRLs as standard equipment. SAAB and Volvo have DRLs available, but installation and use are optional depending on the models. The agency hopes to be able to monitor the safety experience of those vehicles with full model year DRLs installations to determine whether the mandatory installation and activation of DRLs in the U.S. would be cost beneficial to the public.

In evaluating whether to mandate DRLs, the agency must consider both potential benefits and costs. The costs of mandatory installation and activation of DRLs would be decreased fuel economy and increased vehicle purchase cost from the added wiring and switching devices. Additionally, depending on the manner in which the DRLs are implemented, headlamp burnout could increase. The benefits could include a decrease in the number of crashes, with accompanying reductions in casualties and crash repair costs. While the agency continues its analysis of this issue, it is inappropriate to commence a

rulemaking proceeding. Should the analysis indicate significant safety benefits at a reasonable cost, the agency could initiate rulemaking at that time.

In accordance with 49 CFR part 552, this completes the agency's technical review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking proceeding undertaken at this time. Accordingly, it denies Mr. Smyth's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: June 30, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing on Proposed Endangered Status for Three Aquatic Invertebrates in Comal and Hays Counties, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that a public hearing will be held on the proposed determination of endangered status for three aquatic invertebrates: Peck's cave amphipod (*Stygobromus pecki*), Comal Springs riffle beetle (*Heterelmis comalensis*), and Comal Springs dryopid beetle (*Stygoparnus comalensis*). These species are known only from springs in Comal County and Hays County, Texas, and, in the case of the amphipod and dryopid beetle, the associated aquifer.

All interested parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 6 p.m. to 9 p.m. on July 24, 1995, in New Braunfels, Texas. The comment period on this proposal closes on August 4, 1995. Comments must be postmarked by the closing date to be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held on July 24, 1995 from 6 p.m. to 9 p.m. at the New Braunfels Civic Center, 380 South Seguin Street, New Braunfels,

Texas. Written comments and materials should be sent directly to the Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ruth Stanford, Ecologist, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, at the above address, telephone: (512) 490-0057.

SUPPLEMENTARY INFORMATION:

Background

The Peck's cave amphipod, Comal Springs riffle beetle, and Comal Springs dryopid beetle are restricted in distribution to spring sites in Comal and Hays counties, Texas, and, in the case of the latter two species, the associated aquifer. Peck's cave amphipod is known from Comal Springs and Hueco Springs, both in Comal County. The Comal Springs riffle beetle is known from Comal Springs and San Marcos Springs (Hays County). The Comal Springs dryopid beetle is known from Comal Springs and Fern Bank Springs (Hays County). The water flowing out of each of these spring orifices comes from the Edwards Aquifer (Balcones Fault Zone—San Antonio Region), which extends from Hays County on the east to Kinney County on the west. Comal Springs are located in Landa Park, which is owned and operated by the City of New Braunfels, and on private property adjacent to Landa Park. Hueco Springs and Fern Bank Springs are located on private property. San Marcos Springs is located on the property of Aquarena Springs, owned by Southwest Texas State University. The primary threat to the habitat of these aquatic invertebrates is a decrease in water quantity and quality as a result of water withdrawal and other activities by humans throughout the San Antonio segment of the Edwards Aquifer.

A proposal of endangered status for these invertebrates was published in the **Federal Register** (60 FR 29537) on June 5, 1995. Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. On June 23, 1995, a request for a public hearing on this proposal was received from Mr. David Langford, Executive Vice President of the Texas Wildlife Association, San Antonio, Texas.