

**FOR FURTHER INFORMATION CONTACT:** Joseph N. Cleary, Paul E. Boymel, or John K. Light, ADEA Division, Office of Legal Counsel, EEOC, 1801 L Street, NW., Washington, DC 20507, (202) 663-4692.

**SUPPLEMENTARY INFORMATION:** All Committee meetings, including the meeting of January 23-24, 1996, will be open to the public. Any member of the public may submit written comments for the Committee's consideration, and may be permitted to speak at the meeting if time permits. In addition, all Committee documents and minutes will be available for public inspection in EEOC's Library (6th floor of the EEOC Headquarters).

Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. To schedule an appointment call (202) 663-4630 (voice), (202) 663-4630 (TDD). Copies of this notice are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio tape. Copies may be obtained from the Office of Equal Employment Opportunity by calling (202) 663-4395 (voice), (202) 663-4399 (TDD).

**Purpose of Meeting/Summary of Agenda:** At the second meeting, the Committee will continue to discuss the unsupervised waiver legal issues that will be considered by the Committee in drafting a recommended notice of proposed rulemaking for EEOC approval.

Dated: December 12, 1995.

Gilbert F. Casellas,  
Chairman.

[FR Doc. 95-30774 Filed 12-18-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MA44-1-7167b; A-1-FRL-5314-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Best Available Controls for Consumer and Commercial Products (including Architectural and Industrial Maintenance Coatings)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This

revision establishes and requires VOC emission standards for architectural and industrial maintenance coatings and 10 categories of consumer products. In the Final Rules Section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before January 18, 1996.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Jeanne Cosgrove, (617) 565-3246.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q

Dated: September 21, 1995.

John P. DeVillars,

Regional Administrator, EPA New England.

[FR Doc. 95-30796 Filed 12-18-95; 8:45 am]

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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. Philip Sweeney to require audible exterior back-up warning signals on large motor vehicles such as school buses and city maintenance vehicles. After analyzing the petition and data on back-up accidents, NHTSA concludes that mandating audible backup warning signals may not be effective in minimizing collisions with pedestrians, especially young children. The Agency has research underway on other means to reduce such deaths and injuries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jere Medlin, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Medlin's telephone number is: (202) 366-5276. His facsimile number is (202) 366-4329.

**SUPPLEMENTARY INFORMATION:** At present, none of the Federal Motor Vehicle Safety Standards requires that a motor vehicle sound an audible warning signal when the vehicle is driven in reverse or backing up. By letter dated August 7, 1995, Mr. Philip Sweeney of San Diego, California, petitioned the agency to issue a standard to require an audible exterior maintenance vehicles. Mr. Sweeney stated in his petition that drivers of large vehicles have limited rear visibility, that young children can sometimes act impulsively, disregarding safety rules, and that young children have limited ability to anticipate safety risks.

The agency has reviewed the circumstances associated with the petitioner's desired solution. It has found that pedestrian response to exterior audible back-up alarms already on large vehicles has been studied. This study looked at the human factors involved in relation to conventional backing-up audible warning systems. The study, "The Consideration of Human Factors in the Design of a Backing-up Warning System" by Duchon, James C. and Laage, Linneas W., U.S. Bureau of Mines, is from the

“Proceedings of the Human Factors Society—30th Annual Meeting—1986.” The authors looked at human behavior associated with back-up alarms. The specific vehicles were front-end loaders in the mining industry. The findings were that vehicle operators lose the perception of responsibility for vigilant behavior and that the pedestrians in the area predictably become habituated to the alarm. The authors also discussed a discernible alarm that would activate only when there was a target in danger behind the vehicle, which might be more effective because it sounded when an object was in proximity to the rear of the vehicle. Unfortunately, while possibly reducing habituation, such an alarm does not resolve the fundamental problem with alarms—the change in behavior of the driver towards being less responsible for the backing maneuver.

Another research effort looked at pedestrian back-up accidents and evaluated if an audible exterior back-up alarm would have been effective in preventing the accident. The study, “*An Audible Automobile Back-up Pedestrian Warning Device—Development and Evaluation*”, DOT-HS-802-083, November 1976, found that accidents where no benefit would be expected from an audible exterior alarm included those where the pedestrian saw the vehicle but was unable to or did not avoid it (e.g. if the vehicle was backing too fast), where the vehicle was unoccupied, and when the victim was a child less than 5 years old. This last item was added because, as the petitioner appears to support, children have limited abilities to recognize danger signals and risky situations. It should be noted that children are over-represented in backing accidents most likely because of this limitation and because they cannot be seen easily behind a vehicle, even if standing.

Thus, any solution of the back-up accident problem should be able to

address the deaths and injuries to children age 5 years and under. It would appear that an audible exterior warning signal as proposed by the petitioner would have little value in addressing backing accidents, given the above findings.

The agency is currently conducting research to investigate the feasibility of equipping motor vehicles with cost effective countermeasures to assist drivers in safely carrying out backing, lane change and merging maneuvers. The objectives are to determine the performance of one or more feasible countermeasures and to define specifications in performance terms without constraining the solutions to particular devices or technologies. Should the Agency find that there are cost effective solutions available when that research is completed, it would consider beginning a rulemaking seeking to mandate those performance oriented solutions.

Concerning the petitioner’s specific reference to school buses, in 1995 an industry-developed standard requiring audible exterior back-up alarms for all school buses was promulgated by the National Standards Conference on School Transportation. Thirty-one states have chosen to mandate back-up alarms on school buses or recommend voluntary installation. Other regulatory and standards setting organizations such as the states can mandate audible exterior back-up alarms on such state and locally owned government vehicles, regardless of the level of effectiveness and regardless of whether the buses are new or in service. Thus, audible exterior back-up alarm installations on school buses are likely to increase at a significant rate.

In addition, many new large trucks are voluntarily equipped with audible exterior back-up alarms because of Occupational Safety and Health Administration (OSHA) regulations for

work site safety that require a person outside of a vehicle to direct backing operations or that vehicles in work sites to be equipped with audible exterior back-up alarms. Vehicle manufacturers, in response to purchasers, appear to be increasing the number of installations of back-up alarms on large trucks for the purpose of complying with the OSHA rules.

In sum, although NHTSA continues to be concerned about collisions between pedestrians and vehicles that are backing up, the agency is not convinced that mandating audible back-up alarms on large vehicles is the most effective means to minimize collisions with pedestrians. In particular, the data do not appear to show that mandating audible backup alarms would result in minimizing collisions with small children. NHTSA therefore intends to continue its research efforts and to look into possible alternatives, such as the effectiveness of mirrors installed specifically for backing maneuvers. It is premature for NHTSA to make any decision about mandating any particular solution at this time.

In accordance with 49 CFR part 552, this completes the agency’s review of the petition. The agency has concluded that there is no reasonable possibility that the specific requirement requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Mr. Sweeney’s petition.

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

Issued on: December 11, 1995.

Barry Felice,

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95-30558 Filed 12-18-95; 8:45 am]

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