(OMB) review and the requirements of this Executive Order to prepare a regulatory impact analysis (RIA). The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

D. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The RFA specifically requires the completion of an analysis in those instances where small business impacts are possible. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant impact on a substantial number of small entities because no additional cost will be incurred by such entities.

E. Paperwork Reduction Act

The rule does not change any information collection requirements subject of Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for significantly or uniquely impacted by the rule.

EPA has determined that the action proposed today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

G. Statutory Authority

The statutory authority for this proposal is provided by section 112 of the Clean Air Act, as amended, 42 U.S.C., 7412.

Dated: May 30, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95–13923 Filed 6–9–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–75, RM–8615]

Radio Broadcasting Services; Blossom, TX, and DeQueen, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Red River Wireless Communications proposing the allotment of Channel 224C2 to Blossom, Texas, as the community's first local aural transmission service. In order to accommodate the allotment of Channel 224C2 to Blossom, we also propose to substitute Channel 227A for Channel 224A at DeQueen, Arkansas, and to modify the license of Station KDQN(FM) accordingly. The licensees of Station KDQN(FM), DeQueen, Arkansas, has been ordered to show cause as to why their license should not be modified as described above. *See* Supplemental Information, *infra*.

DATES: Comments must be filed on or before July 28, 1995, and reply comments on or before August 14, 1995.

ADDRESSES: 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: William J. Pennington, III, 5519 Rockingham Road-East, Greensboro, North Carolina 27407 (Counsel for 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. 95–75, adopted May 25, 1995, and released June 6, 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.

Channel 224C2 and Channel 227A can be allotted to Blossom, Texas, and DeQueen, Arkansas, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 224C2 can be allotted to Blossom with a site restriction of 11.0 kilometers (6.8 miles) east in order to avoid a short-spacing conflict with a pending proposal to allot Channel 225A at Bells, Texas. The coordinates for Channel 224C2 at Blossom are 33–40–07 and 95–16–13. Channel 227A can be allotted to DeQueen, Arkansas, and can be used at Station KDQN(FM)'s licensed site. The coordinates for Channel 227A at DeQueen are 34–01–57 and 94–19–43.

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. 95–14275 Filed 6–9–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80–9; Notice 11]

RIN 2127–AF59

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that the rear of truck tractors be equipped with retroreflective sheeting similar to that required for the rear of heavy trailers. The agency tentatively concludes that the addition of such a conspicuity treatment would result in a reduction of deaths, injuries, and property costs.

DATES: Comments are due September 11, 1995. The amendments would be effective 120 days after publication of the final rule in the **Federal Register**.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Patrick Boyd, Office of Rulemaking, NHTSA (202–366–6346).

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1992, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to add paragraph S5.7 *Conspicuity Systems*. (57 FR 58406). The rule has required, effective December 1, 1993, that large trailers, particularly the type that is hauled by truck tractors, be provided with reflective marking (either retroreflective tape or reflex reflectors) to enhance their detectability at night or under other conditions of reduced visibility. The preamble to the rule explained that the conspicuity requirements applied only to large trailers because most fatal accidents at night in which a truck is struck involves a truck tractor-trailer combination vehicle. But the notice also mentioned that the night accident involvement rate of truck tractors alone was much greater than that of other single unit trucks. The agency announced that it was considering truck tractors for future conspicuity rulemaking.

As part of its petition for reconsideration of the final rule, the Insurance Institute for Highway Safety (IIHS) asked that the conspicuity requirement be extended to single unit trucks and to truck tractors, citing accident statistics in support of its request.

NHTSA has tentatively concluded that motor vehicle safety would be enhanced if a conspicuity marking scheme were extended to truck tractors. Under 49 CFR 571.3(b), a truck tractor ''means a truck designed primarily for drawing other motor vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.'' Far fewer crashes involve vehicles colliding with the rear of truck tractors than with the rear of trailers, presumably because of a much lower exposure of tractors operating without trailers. However, NHTSA's data indicate that a higher proportion of rear end crashes involving truck tractors, including fatal crashes, occur at night than for either trailers or trucks.

It is obvious that truck tractors are less conspicuous at night from the rear than other motor vehicles. They are subject to fewer rear lighting requirements of Standard No. 108. Unlike other vehicles over 80 inches wide, tractors are not required to have rear side marker lamps, rear clearance lamps, or rear identification lamps. If double sided turn signal lamps are used on the front fenders, truck tractors are not required to have rear turn signal lamps either.

The only remaining rear marking lamps are the taillamps. These are usually mounted closer together on truck tractors than the taillamps are on other motor vehicles. Ongoing research at UMTRI concerning the relative placement of lower beam and upper beam headlamps demonstrates that the distance perception of motorists is distorted when viewing a vehicle with narrow lamp spacing. The taillamps on truck tractors are generally spaced closer together than the headlamps in UMTRI's study, and may have more influence on driving errors.

Since much of a truck tractor's operational life is spent in hauling trailers, it does not appear cost beneficial to require it to have the full panoply of rear lighting equipment required for other motor vehicles. Further, the configuration of truck tractors presents practicability problems for the mounting of the tail, stop, and turn signal lamps at the locations specified for other vehicles. However, the inexpensive and convenient use of retroreflective material would improve the detectability of the rear of truck tractors when they are being operated or parked without trailers. The familiarity of the public with the Federal conspicuity treatment applied to large trailers should improve the recognition of similarly treated truck tractors and make such a treatment more effective for accident prevention than it would have been in the past.

Proposed Conspicuity Treatment for Rear of Tractor Trailers

In view of the relatively short length of truck tractors and the fact that they are equipped with a full complement of lamps at the front, NHTSA is proposing a conspicuity treatment for the rear only. Retroreflective material would be applied in locations not obscured by vehicle equipment in a rear orthogonal view. As with large trailers, two strips of white material 300 mm in length would be applied horizontally and vertically to the right and left upper contours of the body, as close to the top of the body and as far apart as practicable. As with the presently existing restriction for red reflex reflectors on truck tractors (paragraph S5.3.1.2), the strips on the cab rear would be mounted not less than 100 mm above the height of the rear tires. Relocation of the material would be allowed to avoid obscuration by vehicle equipment. If relocation is required for one side of the body but not the other, the manufacturer may relocate the other strips to achieve a symmetrical effect.

To indicate the overall width of the truck tractor, two strips of retroreflective sheeting, 600 mm in length, of alternating colors of red and white would also be required on the rear, to be mounted as horizontal as practicable and as far apart as practicable, not more than 1525 mm above the road surface. This sheeting could be applied to the truck body, or, if the tractor is so equipped, to the mud flaps or mud flap support brackets. However, if the strips are located on the mud flaps, they must be placed not lower than 300 mm below the mud flap support bracket to avoid excessive movement. Since the tire diameter, and consequently the distance from the mud flap support to the road surface, is nominally 1 meter, the lowest practicable location of the strips is about 700 mm above the road surface.

Under the proposal, manufacturers of truck tractors would have the option of using an array of reflex reflectors on the rear instead of retroreflective sheeting, the same option that is available to trailer manufacturers. However, reflex reflectors would still be required by Table I of Standard No. 108, in addition to the conspicuity material, whether sheeting or reflectors, because

paragraphs S5.1.1.1 and S5.1.1.2 of Standard No. 108 excuse truck tractors from the full complement of rear lighting equipment required of trucks.

Presently, mounting of conspicuity material or reflectors on mud flaps is prohibited by section S5.3.1. This requires lighting equipment to be ''securely mounted on a rigid part of the vehicle other than glazing that is not designed to be removed except for repair''. In the past, NHTSA has deemed mudflaps not to be a ''rigid part of the vehicle.'' However, the prohibition is subject to exceptions ''in succeeding paragraphs of S5.3.1 and S7'', and NHTSA proposes adding as exceptions tape or reflectors on mudflaps added in compliance with S5.7.

Estimate of Benefits

The benefits estimated for the trailer conspicuity regulation offer a reasonable basis for estimating the benefits of a similar regulation for truck tractors. The agency concluded that the likely result of adding conspicuity treatment to trailers was the prevention of 25 percent of rear collisions, and a significant reduction in the severity of the remaining collisions. Although the required rear lighting for truck tractors is less than is required for a trailer, NHTSA believes that the added degree of conspicuity of a tractor that would be provided by retroreflective sheeting is not less than the relative improvement in conspicuity of a trailer provided by its treatment. Thus, it is reasonable to assume a similar rate of crash prevention.

NHTSA estimated that the property damage savings of preventing a crash into the rear end of a trailer, in 1992 dollars, as $10,869, and, for damage mitigation, as $2,075 (in 1994 dollars, $11,434 and $2,183 respectively). The agency believes that, when the entire truck tractor population is equipped with conspicuity treatment, on an annual basis 276 collisions can be prevented, resulting in a savings of $3,156,000, and that 829 collisions can be mitigated, resulting in a savings of $1,800,000, or total property damage benefits of $4,966,000. If no benefits were presumed for any vehicle older than 15 years, the remaining property damage benefits would be $4,755,000. The present value of these future benefits of a model year fleet would range from $4,313,000 to $3,115,000 under discount rate assumptions of 2 percent to 10 percent.

However, the primary purposes of a tractor conspicuity regulation would be to save lives and reduce the severity of injuries. If fatalities involving rear collisions of truck tractors can be reduced by 15 to 25 percent, there would be 4 to 8 fewer deaths attributable to this type of accident. The agency also believes that there would be 107 to 178 fewer injuries when full coverage of the tractor population is achieved.

Estimate of Costs

In estimating costs, NHTSA has used a price for retroreflective material of $0.675 a linear foot, although market pressures may have reduced the cost to $0.60 for high volume users. Approximately 8 linear feet of material (7.8 feet actually) would be required to comply. NHTSA is also estimating a labor rate of $22.50 an hour, and an installation time of 10 minutes for the material.

On this basis, NHTSA estimates a manufacturer's cost of $9.15 to apply conspicuity treatment to the tractor body, and a consumer cost of $13.82, applying a consumer cost factor of 1.51. If the manufacturer chooses to apply the treatment to mud flaps, two mounting plates would be required, at an additional cost to the manufacturer of $1.11 each, or $2.22, a total cost to the consumer of $3.35. Thus, the cost to the manufacturer would range between $9.15 and $11.37, and to the consumer, between $12.31 and $17.17. Using this latter figure, and estimating an annual production of 150,000 for truck tractors, the agency estimated that the total annual cost impact of this regulation would not exceed $2,575,500. The present value of future property damage reduction benefits from this regulation in property damage alone are expected to be at least $3,115,000 with a discount rate of 10 percent and more if a lower discount rate prevails. The prevention of deaths and injuries would be achieved with no additional cost.

Request for 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 not 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 submission, including purportedly confidential business 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 for the proposal 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. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information 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.

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

Effective Date

NHTSA estimates that a final rule would become effective around January 1, 1997, but intends that the actual date will be the first day of the first month beginning following 120 days after publication of the final rule in the **Federal Register**. Because compliance with the final rule can be achieved by simple application of retroreflective sheeting, which does not require any structural modifications or changes in tooling, and because of the importance of reducing deaths, injuries, and property damage at the earliest feasible time, the agency tentatively finds for good cause shown that an effective date for the amendments to Standard No. 108 that is earlier than 180 days after their issuance would be in the public interest.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This action has not been reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. Implementation of the rule would not

have a yearly cost impact that exceeds $2,500,000 in the aggregate. Although these cost impacts are not deemed significant and preparation of a full regulatory evaluation is not warranted, the agency has prepared a preliminary regulatory evaluation which has been placed in the docket.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that a final rule based on this proposal would have a significant effect upon the environment. Compliance would require the application of not more than 8 feet of retroreflective tape to the rear (1,200,000 feet for an estimated year's production of 150,000 truck tractors), a material currently in use with no known negative environmental effects.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. I certify that this rulemaking action would not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected because the price of new truck tractors would be only minimally increased. An increase of less than $16 per vehicle is expected to be more than offset by savings in repair to it over its life.

Executive Order 12612 (Federalism)

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

Civil Justice

A final rule based on this proposal would not have any retroactive effect. Under 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. Section 30163 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30162; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Section 571.108 would be amended by:

(a) revising paragraphs S5.3.1, S5.7, S5.7.1, S5.7.1.3(a), S5.7.1.4 (a) and (b), and the headings of S5.7.1.4.1 and S5.7.1.4.2,

(b) adding new paragraph S5.7.1.4.3,

(c) revising paragraphs S5.7.2 and S5.7.3, and

(d) adding Figure 31, to read as follows:

§ 571.108 Motor Vehicle Safety Standard No. 108 Lamps, reflective devices, and associated equipment.

* * * * *

S5.3.1 Except as provided in succeeding paragraphs of S5.3.1, and paragraphs S5.7 and S7, each lamp, reflective device, and item of associated equipment shall be securely mounted on a rigid part of the vehicle other than glazing that is not designed to be removed except for repair, in accordance with the requirements of Table I and Table III, as applicable, and in the location specified in Table II (multipurpose passenger vehicles, trucks, trailers, and buses 80 or more inches in overall width) or Table IV (all passenger cars, and motorcycles, and multi-purpose passenger vehicles, truck, trailers and buses less than 80 inches in overall width), as applicable.

* * * * *

S5.7 *Conspicuity Systems.* Each trailer of 80 or more inches overall width, and with a GVWR over 10,000 lbs., manufactured on or after December 1, 1993, except a trailer designed exclusively for living or office use, and each truck tractor manufactured on or after _____ 1, 199x, shall be equipped with either retroreflective sheeting that meets the requirements of S5.7.1, reflex reflectors that meet the requirements of S5.7.2, or a combination of retroreflective sheeting that meet the requirement of S5.7.3.

S5.7.1 *Retroreflective sheeting.* Each trailer or truck tractor to which S5.7 applies that does not conform to S5.7.2 or S5.7.3 shall be equipped with retroreflective sheeting that conforms to the requirements specified in S5.7.1.1 through S5.7.1.5.

* * * * *

S5.7.1.3 *Sheeting pattern, dimensions, and relative coefficients of retroreflection.*

(a) Retroreflective sheeting shall be applied in a pattern of alternating white and red color segments to the side and rear of each trailer, and the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor, in the locations specified in S5.7.1.4, and Figures 30–1 through 30–4, and Figure 31, as appropriate.

* * * * *

S5.7.1.4 *Location.* (a) Retroreflective sheeting shall be applied to each trailer and truck tractor as specified below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinges and lamp bodies.

(b) The edge of white sheeting shall be not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by this standard.

* * * * *

S5.7.1.4.1 *Rear of trailers.* * * *

S5.7.1.4.2 *Side of trailers.* * * *

S5.7.1.4.3 *Rear of truck tractors.* Retroreflective sheeting shall be applied to the rear of each truck tractor as follows, in locations not obscured by vehicle equipment as determined in a rear orthogonal view:

(a) Element 1: Two strips of sheeting in alternating colors, each not less than 600 mm long, located as close as practicable to the edges of the truck cab, or the mud flaps, or the mud flap support brackets, to mark the width of the truck tractor. The strips shall be mounted as horizontal as practicable, and as close as practicable to not less than 375 mm and not more than 1525 mm above the road surface at the stripe centerline. Strips on mud flaps shall be mounted not lower than 300 mm below the lower edge of the mud flap support bracket. Strips on the truck cab shall be mounted not less than 100 mm above the height of the rear tires.

(b) Element 2: Two pairs of white strips of sheeting, each pair consisting of strips 300 mm long, applied horizontally and vertically to the right and left upper contours of the body, as

close to the top of the body and as far apart as practicable. If one pair must be relocated to avoid obscuration by vehicle equipment, the other pair may be relocated in order to be mounted symmetrically.

S5.7.2 *Reflex Reflectors.* Each trailer or truck tractor to which S5.7 applies that does not conform to S5.7.1 or S5.7.3 shall be equipped with reflex reflectors in accordance with this section.

* * * * *

S5.7.3 *Combination of sheeting and reflectors.* Each trailer or truck tractor to which S5.7 applies that does not conform to S5.7.1 or S5.7.2, shall be equipped with retroreflective materials that meet the requirements of S5.7.1 except that reflex reflectors that meet the requirements of S5.7.2.1, and that are installed in accordance with S5.7.2.2, may be used instead of any corresponding element of retroreflective sheeting located as required by S5.7.1.4.

* * * * *

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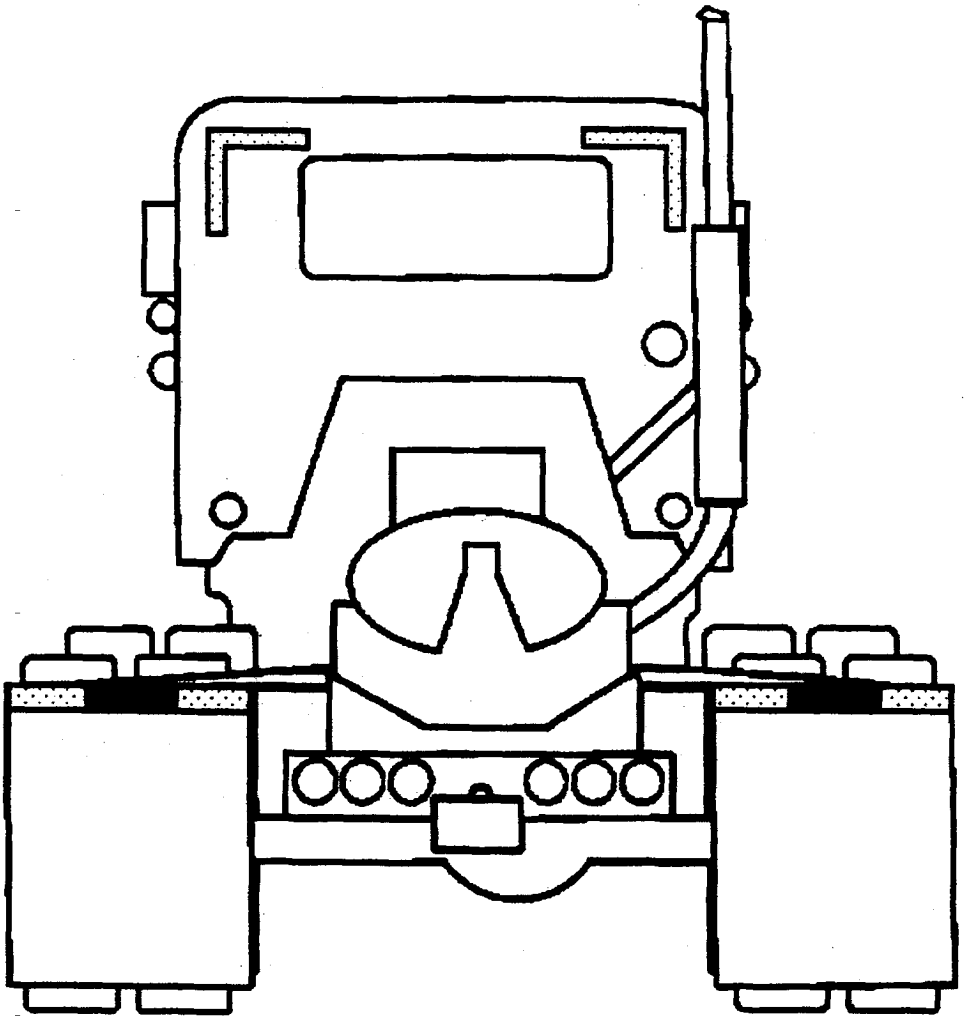

Figure 31 - Truck Tractor Conspicuity Treatment Example

Issued on May 23, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–14246 Filed 6–9–95; 8:45 am]

BILLING CODE 4910–59–P