Proposed Rule Making, MM Docket No. 95–82, adopted June 7, 1995, and released June 19, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 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. 95–15481 Filed 6–23–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–85, RM–8518]

Radio Broadcasting Services; Copeland, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Greater Plains Christian Radio, Inc., proposing the allotment of Channel 280C1 to Copeland, Kansas, and the reservation of Channel 280C1 for noncommercial use. Channel *280C1 can be allotted in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel *280C1 at Copeland are North Latitude 37–32–31 and West Longitude 100–37–45.

DATES: Comments must be filed on or before August 10, 1995, and reply comments on or before August 25, 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: Stephen C. Simpson, 1090 Vermont Avenue, NW., Suite 800, Washington, DC 20005 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–85, adopted June 7, 1995, and released June 19, 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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–15482 Filed 6–23–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–50; Notice 01]

RIN 2127–AF74

Federal Motor Vehicle Safety Standards; Reflecting Surfaces

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: NHTSA proposes to rescind Federal Motor Vehicle Safety Standard No. 107, *Reflecting Surfaces*. This proposed action is part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative to remove unnecessary regulations. The agency has tentatively concluded that market forces and product liability concerns will achieve the same results as Standard No. 107. Therefore, the Standard can be rescinded without affecting safety. Eliminating the Standard will remove the need to certify compliance with it.

DATES: Comments must be received on or before July 26, 1995.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested, but not required, that 10 copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590. Mr. Van Iderstine's telephone number is (202) 366–5280, and his FAX number is (202) 366–4329.

SUPPLEMENTARY INFORMATION

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive ''Regulatory Reinvention Initiative'' from the President to the heads of departments and agencies, NHTSA has undertaken a review of its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission, including Federal Motor Vehicle Safety Standard No. 107, *Reflecting Surfaces* (49 CFR 571.107).

This document discusses why NHTSA believes Standard No. 107 can be rescinded without adversely affecting motor vehicle safety. That belief is based primarily on the vehicle manufacturers' established practice of using nonglossy materials and finishes on regulated and nonregulated components in the driver's forward field of view. Since the nonregulated components are not glossy, the agency believes that currently regulated components would not become glossy if they were deregulated.

Standard No. 107's Background

Standard No. 107 specifies reflecting surface requirements for certain ''bright metal'' components in the driver's forward field of view. The components are the windshield wiper arms and blades, inside windshield mouldings, horn ring and hub of the steering wheel assembly, and the inside rearview mirror frame and mounting bracket. The standard requires that the specular gloss of the surface of materials used in the components must not exceed 40 units when tested. (''Specular gloss'' refers to the amount of light reflected from a test specimen.) The purpose of the standard is to reduce the likelihood that glare from the regulated components will distract drivers or interfere with their ability to view the driving environment ahead.

Previous Review of Need for Standard No. 107

In a rulemaking during the late 1980's, NHTSA considered and ultimately rejected the possibility of extending Standard No. 107's specular gloss limitations to non-metallic surfaces. The issues raised in that rulemaking are relevant to the issue of whether Standard No. 107 should be rescinded.

In the NPRM proposing to extend Standard No. 107 to non-metallic surfaces, NHTSA considered three issues: (1) Whether there were safety benefits in retaining Standard No. 107; (2) whether there is justification to apply the specular gloss requirement to non-metallic versions of the components already covered by Standard No. 107; and (3) whether there is a need to expand Standard No. 107 to apply to other component parts (such as instrument panel pads). (November 13, 1987, 52 FR 43628).

Addressing the first issue, NHTSA noted Standard No. 107 was issued because the agency believed that the reflection of sun and bright lights off metallic components into the driver's eyes presented a potential safety problem which could be reduced by limiting the specular gloss of those items. Since a driver could still experience glare from sunlight and other bright lights, NHTSA concluded that Standard No. 107's limits on highly reflective components (i.e., possible sources of glare) still addressed a safety problem for drivers.

Addressing the second issue, NHTSA proposed to expand the coverage of the Standard by eliminating the limitation to ''metal'' components. NHTSA tentatively concluded that the safety problem posed by glossy metallic components was indistinguishable from the problem posed by glossy non-metallic components. NHTSA proposed to extend the standard despite a manufacturer's comment that any material used for new components would not be highly reflective. The manufacturer stated its belief that surfaces in the driver's forward field of view in modern automobiles are seldom constructed of glossy components because bright finishes are ''incompatible with the new trends of matte-finish componentry and trim * * *''

Addressing the third issue, NHTSA declined to propose extending Standard No. 107 to other vehicle components since it found no data showing that glare from unregulated components presents a safety problem. NHTSA also stated its belief that the absence of data showing that glare from unregulated components has presented a safety problem indicates that Standard No. 107 has correctly identified the components that are most likely to be the sources of hazardous glare.

In 1989, NHTSA terminated the rulemaking because there was no substantiation that there was a safety problem with glare from non-metallic surfaces (54 FR 35011, August 23, 1989). NHTSA concluded that because of the apparently insignificant nature of the safety problem (from reflected glare off non-metallic parts), and the costs of implementing the more expensive and complex test procedure necessary for non-metallic vehicle parts and materials, extending Standard No. 107 was not appropriate.

In 1991, NHTSA was petitioned by the Center for Auto Safety to include the instrument panel surface as one of the regulated items in Standard No. 107. The Center believed that such an action would ''significantly limit dashboard reflections in windshields'', and limit ''veiling glare'' as a ''major source of vision impairment.'' NHTSA denied this petition (see 56 FR 40853, August 16, 1991), after determining that there was no visibility problem which warranted Federal rulemaking. The agency could find no information showing that such dashboard reflections constituted a safety hazard. At the time, a search of the NHTSA consumer complaint file found only 23 complaints that were related to light reflections from the dashboard in over 138,000 complaints (0.017 percent). In only one of those was there a possibility that the reflections may have contributed to an accident.

In 1995, an updated search of the current file found 52 complaints that were related to dashboard glare in over 241,000 complaints (0.021 percent). In only one of these was there a possibility that the reflections contributed to accidents. The insignificant change in the number of complaints reinforces the agency's prior determinations that there is no need to expand the scope of Standard No. 107.

Market Forces and Product Liability Concerns Have Eliminated the Need for Standard No. 107

NHTSA believes that market forces continue to favor matte finishes and surfaces for components in the driver's field of view, and are reinforced by product liability concerns. Evidence of the impacts of these factors may be found in the virtual disappearance of horn rings and metallic inside windshield mountings and in the use of matte finishes on unregulated components. The agency also notes that nonmetallic materials are typically lighter weight than metallic ones.

As a result of the use of matte finishes on regulated components in the driver's field of view, glare from those components has been substantially reduced. Increased use of matte-finished, non-metallic materials (hard plastic or rubber) for parts such as windshield wiper arms and blades, steering wheel assembly hubs, and inside rearview mirror frame and mounting brackets, mean fewer vehicle components must meet Standard No. 107.

The decreasing tendency to use metal is also evident with respect to components not regulated by Standard No. 107. Since 1987, vehicle interior styling practices have favored a combination of hard plastic and padded faux leather, materials that do not reflect sufficient light to create glare. NHTSA believes that market forces will continue to favor matte finishes in the future.

NHTSA's Authority Over Safety Related Defects

Although NHTSA believes future market forces will favor matte finishes, it is possible that motor vehicle designs, styles, and preferred materials will change. If such changes should result in motor vehicle components that may produce distracting glare in the driver's line of sight, NHTSA intends to review the situation through its statutory authority over safety related defects in motor vehicles and motor vehicle equipment.

Proposed Effective Date

Because the proposed removal of Standard No. 107 would relieve restrictions without compromising safety, the agency tentatively has determined that there is good cause for

concluding that an effective date earlier than 180 days after issuance is in the public interest. Accordingly, the agency proposes that, if adopted, the effective date for the final rule be 30 days after its publication in the **Federal Register**.

Rulemaking Analyses and Notices

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule was not reviewed under Executive Order 12866 (Regulatory Planning and Review). NHTSA has analyzed the impact of this rulemaking action and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. The agency anticipates that making this rule final would not affect the materials and finishes choices of the manufacturers with respect to the currently regulated components. NHTSA believes that this proposal would not impose any additional costs and would not yield any significant savings. Any cost impacts would be so slight that they cannot be quantified. The impacts would be so minimal as not to warrant preparation of a full regulatory evaluation.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this proposed action on small entities. Based upon this evaluation, I certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. As noted above, this final rule would not affect the materials and finishes choices of the manufacturers with respect to the currently regulated components. Accordingly, this rule would not affect either vehicle or equipment manufacturers. Similarly, it would not affect purchasers of motor vehicles and motor vehicle equipment. Accordingly, an initial regulatory flexibility analysis has not been prepared.

3. Executive Order 12612 (Federalism)

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

4. National Environmental Policy Act

The agency also has analyzed this proposed rule for the purpose of the National Environmental Policy Act, and determined that it would not have any significant impact on the quality of the human environment.

5. Executive Order 12778 (Civil Justice Reform)

The proposed rule 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, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 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.

Procedures for Filing 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, tires.

In consideration of the following, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.107 [Removed]

2. Section 571.107 would be removed in its entirety.

Issued on: June 20, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–15526 Filed 6–23–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[I.D. 062095A]

Atlantic Weakfish Fisheries; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings; request for comments.

SUMMARY: NMFS will hold nine public hearings to receive comments from fishery participants and other members of the public regarding proposed regulations on the harvest and possession of weakfish in the exclusive economic zone of the Atlantic Ocean from Maine through Florida.