

**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. 96-41, Notice 02]

RIN AG-38

**Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment****AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Request for comments; reopening of comment period.

**SUMMARY:** This document reopens the comment period for a request for comments published December 13, 1996, regarding the potential value of several auxiliary signal lamps in addition to those required by Federal Motor Vehicle Safety Standard No. 108. One of the commenters provided NHTSA with a field study of the effectiveness of an "advance brake warning system" (ABWS), one of the auxiliary signal lamps on which comments were requested. NHTSA believes that this field study is a significant piece of evidence in reaching any decision about the merits of ABWS. However, this study only became available just before the comment period closed. Accordingly, the only commenters that addressed this field study were the two commenters who filed late comments, as well as the commenter that provided the field study.

The purpose of this document is to make the public aware of the field study and to invite comments and analysis of the field study. To facilitate such comments and analysis from the public, NHTSA is noting some questions and issues the agency has identified in its review and analysis of the field study. The comment period is reopened for an additional 30 days.

**DATES:** Comments must be received by NHTSA no later than November 26, 1997.

**ADDRESSES:** Comments should refer to Docket No. 96-41, Notice 2, and be

submitted to: Docket Section, Room 5109, 400 Seventh Street SW., Washington, DC 20590 (Docket hours are 9:30 am to 4:00 pm Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** For technical issues: Richard Van Iderstine, Office of Crash Avoidance Standards, NPS-21, telephone (202) 366-5280, FAX (202) 366-4329.

For legal issues: Taylor Vinson, Office of Chief Counsel, NCC-20, telephone (202) 366-5263, FAX (202) 366-3820.

Both may be reached by mail at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Comments should be sent to the Docket Section at the address given above, not sent or FAXed to these people.

**SUPPLEMENTARY INFORMATION:** On December 13, 1996, at 61 FR 65510, NHTSA published a request for comments on whether NHTSA should permit several types of auxiliary signal lamps in addition to those required by Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment* (49 CFR 571.108). The agency noted in this request for comments that these lighting ideas had been submitted without any data showing that the concepts would produce real safety benefits on the public roads.

One of the signal lamp ideas on which the agency sought public comment was an Advance Brake Warning System (ABWS). At present, vehicles' stop lamps are activated when the driver applies the brakes. ABWS lights the stop lamps sooner in hard braking than in normal braking, with the intent of giving following drivers earlier warning. ABWS does this by activating the stop lamps when a driver rapidly removes his or her foot from the accelerator pedal, on the assumption that these rapid removals indicate an intention to apply the brakes.

The 90-day comment period in which the public was invited to respond to this request for comments closed on March 13, 1997. NHTSA has received 27 comments in response to this request for comments. In one of those comments, Baran Advanced Technology Ltd. (Baran), one of the companies seeking to market ABWS in the United States, provided NHTSA with a field study conducted in Israel of the crash experience of vehicles equipped with ABWS. Baran's comment is available to the public from NHTSA's public docket and has been filed as 96-041-N01-014. This field study differentiates ABWS from the other signal lamp ideas discussed in the request for comments,

for which there are still no studies or other data suggesting their effectiveness.

This field study became available only during the last week of the 90-day comment period. Because of this, only three of the 27 comments addressed this Israeli field study—the commenter that submitted the study and two organizations that filed comments well after the comment closing date. Because this field study is important in evaluating the merits of ABWS, the agency wants to make the public aware of this field study and ask for public review and comment on the study to help NHTSA assess the merits of ABWS.

NHTSA has reviewed and analyzed the Israeli field study. The agency would like to summarize its understanding of the study and identify some areas in which public comment and additional information might be helpful. The field study of ABWS involved 764 Israeli government vehicles tracked over a two-year period. Half the vehicles were equipped with ABWS, the other half were not. The control group (those vehicles that did not have ABWS) were matched to the ABWS-equipped vehicles. That is, each vehicle in the control group was the same make, model, and model year as a vehicle in the ABWS group.

These 764 vehicles were in a total of 881 crashes, 78 of which were crashes in which the government vehicle was struck from the rear. Of these 78 rear-end crashes, 37 occurred in the vehicle fleet equipped with ABWS, while 41 crashes occurred in the control group. After adjusting for the distance driven by three particular vehicles, the study's authors concluded that the rear-end crash involvement rate of the ABWS equipped vehicles was 17.6 percent less than that of the control vehicles. In addition, these 78 crashes were then sorted into "relevant," defined in the report as "crashes in which the government vehicle was struck from behind while braking or immediately after braking," and "irrelevant," defined in the report as "crashes in which the government vehicle was already stopped for a while, or the driver reported that (s)he decelerated or braked gradually rather than abruptly, and/or the driver of the striking vehicle testified that he failed to pay attention to the stopping or stopped vehicle ahead." Of the 78 rear-end crashes, 26 were classified as "relevant" and the other 52 were deemed "irrelevant." The study concluded that the crash involvement rate of the ABWS-equipped vehicles in relevant rear end crashes was 64 percent less than that of the control group.

NHTSA has some concerns about how closely the ABWS group matched the control group. The Israeli study mentions that vehicle attributes (make, model, and year) were matched precisely in the ABWS group and the control group. However, no mention is made of important vehicle use patterns, such as the driving environment and the typical driver. It appears that vehicle use patterns were not considered, since no mention was made in the study of any correlation in these areas.

The report of the Israeli study also presents apparently conflicting data regarding one important matching vehicle attribute, the presence of a center high-mounted stop lamp (CHMSL). The report of the Israeli study states on page 11 that the CHMSL became mandatory in Israel "at the end of 1994, for all 1995 passenger vehicles" and that "94 of the 764 vehicles had CHMSL." However, on page 6, the report indicates that 153 vehicles were 1995 and 1996 model years. NHTSA would like to learn from the authors of the report how to explain this apparent inconsistency.

NHTSA also notes that the analysis of the results appears unusual. The data collected in the field study showed that there were 417 crashes for the ABWS-equipped vehicles and 464 crashes for the control group, or 9 percent fewer crashes for the ABWS group. This 9 percent reduction in crashes for the ABWS-equipped vehicles was found for:

- All crashes
- Rear-end crashes, and
- Crashes other than rear-end crashes

In other words, the ABWS-equipped vehicles in this field study were just as likely to avoid a frontal or side crash as they were to avoid a rear crash. Since ABWS would not be visible to the driver of the other vehicle in a frontal or side crash, there is no apparent reason to believe that ABWS would have any effect on those types of crashes. Thus, the data from this study do not appear to show any significant positive effect for ABWS. However, this simple analysis, which would be a conventional starting point for many analysts, was not reported in the study. NHTSA would like to learn why the authors of the report on the Israeli field study did not include this analysis in the report. The agency is also interested in commenters' views on how much weight and significance should be given to the fact that the simplest use of the data does not indicate any significant effect for ABWS in rear-end crashes relative to all other types of crashes.

Before making its analyses of ABWS effectiveness, the study normalized the exposure of the ABWS-equipped

vehicles and the control group of vehicles using just the total miles traveled and time in service of the vehicles that had experienced rear impacts. Again, the standard analytical approach is to normalize using the total travel of the subject groups (all ABWS-equipped vehicles and all the control group vehicles), which avoids introducing any biases in the results. The agency is concerned that normalizing only for vehicles in rear-end crashes may give an unwarranted increase in the observed effectiveness of ABWS. NHTSA would like to learn why the authors of the study chose not to use the standard approach and why they believe their alternative approach avoids any biases. In addition, the agency would like commenters' views on this technique.

Further, as noted in the study, there was a large difference in the "relevant" rear-end crashes for the two groups—18 relevant rear-end crashes for the control group, but only eight relevant rear-end crashes for the ABWS group. However, the total rear-end crashes reported were substantially identical—41 for the control group and 37 for the ABWS group. The difference of four crashes in this sample size is not statistically significant. Thus, one interpretation of the data is that ABWS shifts rear-end crashes from the relevant to the irrelevant classification without reducing significantly the number of rear-end crashes. NHTSA would like comments on the appropriate interpretation of the data.

As part of the public review of the Israeli field study, NHTSA would like to repeat its previous statements that there are positive benefits from the current standardization of vehicle signaling systems. The current signal from stop lamps is a uniform, unambiguous signal that the driver of the vehicle has applied the brakes. However, the agency has also indicated that it is conceptually possible that using a different action to activate stop lamps or having stop lamps send different signals might offer net safety gains. NHTSA will consider amending Federal Motor Vehicle Safety Standard No. 108 if it is shown that a change from the current standardized vehicle signaling systems would yield a net safety benefit. The agency would like commenters to address expressly whether the Israeli field study is sufficiently definitive about net positive safety effects of ABWS that permitting ABWS can be said to enhance safety even if it detracts from standardization of vehicle signaling systems.

On September 9, 1997, Baran also submitted an article published in the journal *Human Factors* that described a

computer simulation study performed to test the effectiveness of ABWS devices. The principal author of this article is also the principal author of the report on the Israeli field study of ABWS. In addition, Baran stated that the Czech Republic now permits ABWS to be installed on vehicles operating in that country.

NHTSA is reopening the comment period for an additional 30 days. The agency would like commenters to focus on ABWS and the materials that were not available for comment during the previous comment period, most notably the Israeli field study of ABWS, but also the Human Factors article. It is not necessary for commenters to resubmit views and data provided in previous comments to Docket No. 96-41, Notice 1.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8

Issued on: October 22, 1997.

**James R. Hackney,**

*Acting Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AB73

### Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Proposed Endangered Status for the Peninsular Ranges Population of Desert Bighorn Sheep

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule, notice of reopening of comment period.

**SUMMARY:** The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period for the proposed endangered status for the Peninsular Ranges population of desert bighorn sheep (*Ovis canadensis*). The comment period has been reopened to acquire additional information on the status, distribution, and management of bighorn sheep in the Peninsular Ranges of Baja California, Mexico.

**DATES:** The comment period closes November 12, 1997. Any comments received by the closing date will be considered by the Service.