

contacted for the purpose of investigating the applicant's background as required by § 391.23. The employer shall also inform the applicant that he/she will be provided an opportunity to review and comment on any information obtained from previous employers.

10. In § 391.23, paragraph (c) is revised and new paragraphs (d) and (e) are added to read as follows:

§ 391.23 Investigation and inquiries.

* * * * *

(c) The investigation of the driver's employment record required by paragraph (a)(2) of this section must commence as soon as possible, but no later than 30 days after the date the driver's employment begins. The investigation shall consist of personal interviews, telephone interviews, letters of inquiry, or any other method of obtaining information that the motor carrier deems appropriate. Each motor carrier must make a written record with respect to each previous employer that was contacted. The record must include the previous employer's name and address, the date the previous employer was contacted, and its comments with respect to the driver. The record shall be maintained in the driver's qualification file.

(1) The following information, as a minimum, must be obtained from all previous employers that employed the driver to operate a commercial motor vehicle:

(i) Any accidents, as defined by § 390.5 of this subchapter, in which the driver was involved during the preceding three years;

(ii) Any hours-of-service violations resulting in an out-of-service order being issued to the driver within the preceding three years;

(iii) Any failure of the driver, during the preceding three years, to undertake or complete a rehabilitation program pursuant to § 382.605, after being found to have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(iv) Any use by the driver, during the preceding three years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program.

(2) Previous employers shall respond to requests for the information in paragraph (c)(1) of this section within 30 days after the request is received.

(d) The motor carrier shall afford the driver a reasonable opportunity to review and comment on any information obtained during the employment investigation, including

the information described in paragraph (c)(1) of this section. The motor carrier shall notify the driver of this right at the time of application for employment.

(e) The information required under paragraphs (c)(1)(iii) and (iv) of this section must be obtained pursuant to the driver's written authorization.

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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: Notice of denial of petition for rulemaking.

SUMMARY: This notice denies the petition by Darrin L. Johnson for the issuance of a mandatory order requiring that all motor vehicles be equipped with front stop lamps. NHTSA's analysis of the petition concludes that requiring front stop lamps on all motor vehicles does not further the cause of reducing the risk of motor vehicles related fatalities, injuries and accidents. The denial notice concludes that the likely consequence of implementing such a system will be higher risk behavior by motorists and pedestrians.

FOR FURTHER INFORMATION CONTACT: Kenneth O. Hardie, Safety Performance Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Hardie's telephone number is (202) 366-6987.

SUPPLEMENTARY INFORMATION: By letter dated September 19, 1995, Darrin L. Johnson of North Hollywood, California petitioned the NHTSA to issue a rule that would mandate the equipping of all motor vehicles with front "brake lights." The petitioner stated that front "brake lights" will save lives because it is necessary for other drivers and pedestrians to know the intended maneuvers of a vehicle, from the front of the vehicle as well as the rear. The petitioner stated that it is important to know from the front if an approaching driver intends to decrease his speed and/or is applying the brakes at certain crucial periods. The petitioner would require the front "brake lights" to be steady burning and red in color. The front "brake lights" would light simultaneously with the rear stop lamps, when the brake is depressed

and/or applied. The petitioner estimates that the cost for the front "brake light" system to be as follows:

Production Cost—\$35.00

Wholesale Cost—\$70.00

Retail Price—\$150.00

Analysis of Petition

The petition contains a number of scenarios that suggest that forward-facing stop signals will reduce the risk of fatalities, injuries and accidents by minimizing the amount of driver guesswork of when to maneuver a vehicle into traffic. The petitioner's rationale for mandating a rule requiring all motor vehicles to be equipped with front stop lamps is these lamps would communicate an approaching driver's intent to brake or decrease speed. Presumably, other drivers or pedestrians would have information on the intent of the approaching vehicle based upon whether the front stop lamps had been activated. The observing individual could then act accordingly or maneuver onto traffic.

The petitioner presents a number of scenarios to support a claim that front stop lamps will result in a reduction of accidents involving a vehicle that is attempting to enter traffic from a driveway, street, or entrance road of a freeway. The petitioner claims that a motorist would have additional safety information when attempting to enter traffic by monitoring the front stop lamps of an approaching vehicle. The petitioner claims that vehicles entering traffic would avoid a higher percentage of collisions with oncoming vehicles because the driver attempting to enter traffic would know whether the driver with the right-of-way was giving up the right-of-way, thus, allowing him/her to more safely enter traffic. The petitioner claims that this could be done by observing if the approaching vehicle's front stop lamps were illuminated, thus, indicating braking or stopping. The assumption of the petitioner appears to be that an illuminated front stop lamp means that the approaching driver has relinquished the right-of-way.

It is NHTSA's belief that forward-facing stop lamps might provide some useful information to drivers, but that a front stop signal might also produce ambiguity and could lead to dangerous driver or pedestrian action if it is not interpreted by the viewer in an appropriate manner. For example, a driver whose vehicle is not slowing down but who taps the brake pedal as a precaution when approaching an intersection could find a car pulling out dangerously close in front of him/her, because the other drivers assumed that the vehicle would be making a turn or

relinquishing the right-of-way. There are a number of scenarios that could be hypothesized which could cause false signals to be given to other drivers. Drivers would need to determine which signals are true and which are false. There is little time for such behavior during normal driving. The front stop lamp could encourage drivers to violate the right-of-way laws that exist in each state.

Consequently, NHTSA is concerned that illuminated front stop lamps could lure drivers who are attempting to enter traffic into high risk behavior. This is because the presence of an illuminated front stop lamp is not assurance that an approaching driver has relinquished the right-of-way to the merging or entering traffic. Making decisions regarding when to merge or enter traffic based upon the illumination of front stop lamps would be risky behavior. NHTSA does not believe that there will be a net positive benefit from a rule that requires front stop lamps on all motor vehicles.

In two scenarios involving a motor vehicle and a pedestrian the petitioner suggested that front stop lamps should be installed on all motor vehicles because they would provide additional information to a pedestrian who was preparing to cross the street. The petitioner claimed that the potential for disaster would be minimized or eliminated because the pedestrian would be able to determine if it were safe to enter the street based upon the illumination status of the front stop lamps. The agency has concluded that the same problem exists with pedestrians as with motorists evaluating whether to enter traffic based upon whether front stop lamps are illuminated. The pedestrian should never presume that drivers of vehicles will respect the right-of-way of pedestrians.

In accordance with CFR part 552, this completes the agency's review of the petition. The agency has concluded that front stop lamps do not have the promise of producing reductions in fatalities, injuries, or accidents. The agency believes that the likely consequence of requiring such a system will be higher risk behavior by motorists and pedestrians. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies the petition submitted by Darrin L. Johnson.

Authority: 49 U.S.C. 30103, 30111, 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on March 11, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

RIN 1018-AD71

Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) is revising the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest. This proposed rule would allow the Service to keep pace with the increasing costs of running the 1996-97 Federal Duck Stamp Contest (Contest) and cover expenses associated with the program. The following changes are proposed by the Service: eligible species list; deadline for submitting entry; age requirement established to participate in contest; entry fee increase; subject matter of entry; and contest voting procedures.

DATES: Comments concerning these amendments must be received no later than April 15, 1996.

ADDRESSES: Send comments to: Manager of Licensing, Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, NW, Suite 2058, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mrs. Lita F. Edwards, (202) 208-4354.

SUPPLEMENTARY INFORMATION: The Federal Duck Stamp Contest is the only Federal agency-run art contest and has been in existence since 1949 with the 1950 stamp the first to be selected in open competition. The Federal Duck Stamp's main use is a revenue stamp needed by waterfowl hunters. This year's Contest and species information follows:

1. Contest schedule:
1996-97 Federal Duck Stamp Contest—
October 15-17, 1996
Public viewing—Tuesday, October 15
from 10:00 a.m. to 2:00 p.m.

Judging—Wednesday, October 16 at
10:30 a.m. through Thursday, October
17 at 9:00 a.m.

2. The Contest will be held at the Department of the Interior building, Auditorium (C Street entrance), 1849 C Street, NW, Washington, DC.

3. The *five* eligible species for the Contest: (1) Black Duck; (2) Canada Goose; (3) Greater Scaup; (4) American Green-winged Teal; and (5) Northern Pintail.

As part of an effort to keep pace with the cost of administering and making minor improvements to the Contest, the Service proposes the following changes to this year's contest:

1. The Service is correcting the common and Latin name of American Green-winged Teal.

2. Persons wishing to enter this year's Contest may submit entries anytime after July 1, but *all* entries must be postmarked no later than midnight Friday, August 30, 1996.

3. The Service is increasing the fee for art contest entrants to \$100.00. Contest expenses have escalated each year and this increase will defray Service expenses in administering the Contest.

4. The Service is requiring that all entrants must be 18 years of age as of July 1 to participate in the Contest, as 18 is considered the general age of majority by most jurisdictions.

5. The Service is clarifying that other living creatures, scenes, designs may be part of the design as long as living migratory birds are the dominant feature.

6. Contest procedures are modified for the third round of judging to allow more consistent scores.

This regulation was not subject to Office of Management and Budget review under Executive Order 12866. These proposed regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements. The Department of the interior has determined that this regulation will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the changes/revisions to the Contest will affect individuals not businesses or other small entities as defined in the Act. Due to tight timeframes associated with the contest rules, the Service is allowing only 30 days for public comment.

List of Subjects in 50 CFR Part 91

Hunting, Wildlife.

Accordingly, Title 50, Part 91 of the Code of Federal Regulations is proposed to be amended as follows: