

to determine if it provides persuasive evidence of a positive safety benefit and value to the public.

In performing that evaluation, we reviewed all known research on flashing stoplamps. The only known real-world data in this area (NHTSA's large scale field study in 1981) indicates no statistically significant differences in rear-crash involvement between flashing stoplamps compared to steady-burning stoplamps. The study evaluated flashing at a steady rate, flashing at a rate proportional to deceleration, and steady-burning stoplamps.²

We note that shortening BRT would allow additional braking time for following drivers, but only if the following driver immediately applies the brakes fully upon seeing the stoplamps activated without waiting for any other cues from the lead stopping vehicle, such as the car pitching or the tires and/or brakes squealing. We noted that research by Daimler Chrysler AG using a vehicle simulator in Germany found that more than 90 percent of drivers do not fully apply the brakes even when they have these cues and the lead vehicle's stoplamps are activated. The article by Car and Driver Magazine, "Brake Assist Systems: When ABS Isn't Enough" December 1999, cited research results by Toyota, Nissan as well as the above Mercedes-Benz research. These other companies found similar results of slow reaction time and weak pedal application.

Taking the values mentioned above, and assuming that 8 percent of drivers are attentive enough to respond³, and that 10 percent of those drivers respond with high braking effort, we achieve 0.8 percent of driver responses likely being appropriate for lowering crash risk. Taken together with MB's estimate of 5.5 such events per vehicle per year, we find that its idea might change the outcome of 0.044 such events per vehicle per year, or one event for every 22.7 years of a vehicle's life. Even if all vehicles were fitted with a braking force assistance device (as MB, Toyota, Nissan and others now do) to improve the likelihood of high brake-force application, the value to the public would still be small, especially because flashing stoplamps would be optional under the suggested amendment.

Our concern in such cases of optional signals is that we would be giving away a unique signal in return for a minor benefit, when it is possible that the

same signal (flashing stoplamps) might be used in the future for a far greater benefit. As a matter of policy (see **Federal Register**, November 4, 1998, Volume 63, Number 213, pages 59482-59492), NHTSA will not permit optional signals to be used as additions or alternatives to existing signals, nor will we quickly permit the use of as yet unused signals until it is shown that the signal will afford a significant safety benefit.

With respect to signals for rapid deceleration, there are several alternatives to the MB solution that are also being considered. For example, upon sudden deceleration, some parties believe that stop lamps that get larger in area and more intense depending on the level of deceleration is a preferred signal, while others favor flashing the amber front and rear turn signal lamps to show sudden deceleration. The European Commission has proposed that the MB solution, plus these other approaches, all be permitted under the Economic Commission for Europe regulations. However, NHTSA is concerned that allowing alternative signal configurations violates the basic principle of standardization that is necessary to minimize driver confusion and to promote a quick and appropriate driver response to the condition that is being signaled, which in this case is a slowing lead vehicle. Thus, NHTSA believes that choosing the MB solution without evaluating the other approaches could either preclude the use of more effective signals or lead to a proliferation of competing signals.

Another reason to carefully consider whether a flashing stoplamp should be used as a signal for rapid deceleration is that the flashing stoplamp may have greater safety benefits if applied to more frequently occurring crash scenarios, such as stopped vehicle warnings. To help identify effective rear signal enhancements and when they should be activated, NHTSA has been conducting research at the Virginia Tech Transportation Institute. Findings to date indicate that some signal enhancements may have greater potential than simple flashing brake lamps to improve driver performance in the scenarios chosen for the study. We are continuing the research to determine whether the findings hold up under a broader range of driving scenarios. Additionally, we are analyzing crash and close call data from a 100-car naturalistic driving study to determine the potential of enhanced rear signaling as a means to reduce rear crashes. As such, it is premature at this time to permit the use of flashing stop lamps for rapid deceleration.

In accordance with 49 CFR part 552, and after considering the allocation of agency resources and agency priorities, NHTSA has decided to deny this petition for rulemaking.

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

Issued on: May 16, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List a Karst Meshweaver, *Cicurina cueva*, as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period for the status review initiated by the 90-day finding on a petition to list *Cicurina cueva* as an endangered species (February 1, 2005; 70 FR 5123). This action will allow all interested parties an opportunity to provide information on the status of the species under the Endangered Species Act of 1973, as amended (Act).

DATES: Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before June 22, 2005. Any comments received after the closing date may not be considered in the 12-month finding.

ADDRESSES: If you wish to comment, you may submit your comments and materials by any one of the following methods:

1. You may submit written comments and information by mail to Robert Pine, Field Supervisor, Austin Ecological Services Field Office, 10711 Burnet Road, Suite # 200, Austin, Texas 78758.
2. You may hand-deliver written comments and information to our Austin Ecological Services Field Office, at the above address, or fax your comments to 512-490-0974.

All comments and materials received, as well as supporting documentation used in preparation of the 90-day finding, will be available for public inspection, by appointment, during

² Mortimer, Rudolf G., "Field Test Evaluation of Rear Lighting Deceleration Signals, II—Field Test", DOT HS-806-125, October 198.

³ NHTSA report on Intelligent Vehicle Highway System (IVHS) countermeasures to rear end crashes (DOT HS 807 995).

normal business hours at our Austin Ecological Services Field Office at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Pine, Field Supervisor, Austin Ecological Services Office (telephone 512-490-0057, facsimile 512-490-0974).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Act requires that for any petition to revise the List of Threatened or Endangered Species that contains substantial scientific and commercial information that listing may be warranted, we make a finding within 12 months of the date of the receipt of the petition on whether the petitioned action is (a) not warranted, or (b) warranted, or (c) warranted but the immediate proposal of a regulation is precluded by other pending proposals to determine whether any species is threatened or endangered.

On July 8, 2003, we received a petition requesting that we list *Cicurina cueva* (no common name) as an endangered species with critical habitat. On May 25, 2004, Save Our Springs Alliance (SOSA) filed a complaint against the Secretary of the Interior and the Service for failure to make a 90-day petition finding under section 4 of the Act for *Cicurina cueva*. In our response to Plaintiff's motion for summary judgment on October 15, 2004, we informed the court that we believed that we could complete a 90-day finding by January 20, 2005, and if we determined that the 90-day finding provided substantial information that listing may be warranted, we could make a 12-month finding by December 8, 2005. On March 18, 2005, the District Court for the Western District of Texas, Austin Division, adopted our schedule and ordered the Service to issue a 12-month finding on or before December 8, 2005.

On February 1, 2005 (70 FR 5123), we published a 90-day finding and initiation of status review on a petition to list *Cicurina cueva* as an endangered species. Our 90-day finding stated that we found the petition presented substantial scientific and commercial information indicating that listing *Cicurina cueva* may be warranted. Additional background information, including information on the species, factors affecting the species, and our 90-day finding, is available in the February 1, 2005, publication. The comment period for providing information for our status review closed on May 15, 2005.

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. We are currently gathering information that will be used in making a determination whether *Cicurina cueva* should be listed as endangered. It is our intention to extend the public comment period as additional information from a genetic analysis and additional survey work for *Cicurina* species in southern Travis County became available near the end of the original comment period and information from the Texas Department of Transportation and the Regents School of Austin are in progress and may not be completed by May 15, 2005. The report is titled, "Genetic and morphological analysis of species limits in *Cicurina* spiders (Araneae, Dictynidae) from southern Travis and northern Hays counties, with emphasis on *Cicurina cueva* Gertsch and relatives." We believe these documents contain significant information that may effect our determination of the status of the species and allowing the comment period to expire before they are available could result in hurried and incomplete comments. We deem these considerations as sufficient cause to reopen the comment period. This reopening of the comment period will

not result in an extension of the court-ordered date by which the Service must make its 12-month finding.

Public Comments Solicited

We are required by court order to make a 12-month finding on whether to list *Cicurina cueva* by December 8, 2005. To meet this date, all information on the status of the species must be submitted by June 22, 2005, as specified in the **DATES** section of this document.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comments. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Comments and materials received, as well as supporting documentation used in preparation of the 12-month finding, will be available for public inspection, by appointment, during normal business hours at the Austin Ecological Services Field Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 13, 2005.

Marshall Jones Jr.,

Acting Director, Fish and Wildlife Service.

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