

4(j) and 303(r) of the Communications Act of 1934, 47 U.S.C. 154 (j) and 303 (r), it is ordered that the period of time for filing comments and reply comments in the Notice of Proposed Rule Making, CI Docket 95-55, released on April 26, 1996, is hereby extended. Comments must be filed on or before June 24, 1996. Reply comments must be filed on or before July 15, 1996.

3. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you should file an original and nine copies. You should send your comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

4. You may also file informal comments by electronic mail. You should address informal comments to gdillon@fcc.gov. You must put the docket number of this proceeding on the subject line (see the caption at the beginning of this Notice). You must also include your full name and Postal Service mailing address in the text of the message. Comments and reply comments will be available for public inspection during regular business hours in the Reference Center of the Federal Communications Commission (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

Federal Communications Commission.

Beverly G. Baker,

Chief, Compliance and Information Bureau.

[FR Doc. 96-13835 Filed 6-3-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

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: Denial of petition for rulemaking.

SUMMARY: This document denies the Society of Automotive Engineers (SAE) petition to incorporate the latest version of SAE J592 Clearance, Side Marker, and Identification Lamps, and SAE J593 Backup Lamps, into Federal Motor Vehicle Safety Standard (FMVSS) No. 108. NHTSA's analysis of the petition

concludes that there is minimal benefit to the public in updating the reference to these SAE standards. While incorporation would make them more readily available to lighting and vehicle design engineers as a reference, this is a minimal benefit compared to the expenditures of Agency resources to implement it and other SAE standards whose references in FMVSS No. 108 are not the most recent. The Agency's commitment of its resources to its safety priorities precludes granting this petition. However, the agency has compiled a reference document of materials incorporated into FMVSS No. 108 to improve the availability of these materials. This document is available upon request.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Van Iderstine, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366-5280. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: By letter dated February 15, 1996, William A. McKinney, Chairman of the Lighting Coordinating Committee of the Society of Automotive Engineers, Inc. (Petitioner) petitioned the agency to incorporate the latest version of SAE J592 Clearance, Side Marker, and Identification Lamps, and SAE J593 Backup Lamps, into 49 CFR 571.108 (Federal Motor Vehicle Safety Standard No. 108, Lamps, reflective devices and associated equipment.)

The Petitioner claimed the changes in SAE J592 DEC94 Clearance, Side Marker, and Identification Lamps provide significant improvements as follows:

a. Photometric performance requirements are based on zones, including 60% minimum requirement for individual test points, and are consistent with the required format used for most signal and marking lamps regulated by FMVSS 108, and a 0.5 degree radius tolerance area for maximum readings is also additionally specified to allow for inconsequential light streaks,

b. Additional explanations and guidelines for installation are provided,

c. The format and content is consistent with the current SAE formatting requirements, and

d. Information on SAE publications referenced in the document is incorporated.

The petitioner claimed the changes in SAE J593 OCT95 Backup provide the following:

a. A definition of point of visibility,

b. Photometric performance requirements based on zones, including

60% minimum requirement for individual test points, thus allowing the deletion of FMVSS 108, Figure 2, Minimum Luminous Intensity Requirements for Backup Lamps,

c. A specific maximum requirement of 500 cd for a one (1) backup lamp system, whereas the current FMVSS 108, Table 2 footnote leaves the maximum requirement subject to interpretation,

d. Specific requirements for limiting and measuring the currently specified "incidental red, amber, or white light * * *"

e. Additional explanations and guidelines for photometry and installation,

f. Revised format with content that is consistent with the current SAE formatting requirements, and

g. Information on SAE publications referenced in the document.

Petitioner further claimed that these revisions make new versions easier to apply, as well as easier to find because they are located in current SAE Handbooks. Petitioner also claimed that the changes would not adversely affect the costs of any lighting. No claims about safety or performance were made.

The agency has reviewed what would be required to implement the Petitioner's desired solution. It has found that the tests and many requirements of the new documents are from other SAE standards newer than those referenced in FMVSS No. 108, making an update only partially of value to any particular user.

Thus, the advantage claimed by Petitioner by referencing standards in current SAE Handbooks appears to be very small because this action would update only the two referenced documents, and none of the subreferenced documents. Additionally, because NHTSA reference to SAE standards is not always absolute, in that parts of standards are referenced or exceptions are made to specific requirements in SAE standards where different or more stringent performance is necessary for safety purposes, the value of having the latest version of an SAE document is lessened. Thus, without a careful reading of FMVSS No. 108, a reader of the newest referenced documents could be misled as to the pertinent requirements, just as can occur with the currently referenced versions.

Additionally, it is unlikely these two documents, or any version of a referenced industry standard would be wholly usable for more than just a short period of time and probably would be out of print within no more than five years because of SAE's 5-year schedule

of periodic updating of its standards. In fact, SAE J593 was updated in June 1987, February 1995, and October 1995, three times in less than nine years. Thus, unless SAE changes the policy of regular updates, the value of the rulemaking effort requested by this petition soon would be negated by another update. While the agency acknowledges that industry standards must be updated to assure their relevance to technology and their value to users, periodic updating where few if any substantive changes are made may be counterproductive for use as Federal Motor Vehicle Safety Standards.

Allocation of agency resources and agency priorities also must be considered in processing what is the second petition from the SAE to update its standards directly or indirectly referenced in FMVSS No. 108. All of these standards have specific dated versions referenced in FMVSS No. 108. Because the SAE endeavors to update its standards on a regular schedule, the federal regulatory workload from such a course of updating would be continuous and drain resources from the Agency's identified priorities. This is not a desirable course. Nonetheless, NHTSA recognizes that the technical expertise of engineers from around the world participating in SAE Committee activities is invaluable to NHTSA's mission, particularly when performance requirements must be developed to accommodate new technologies.

As stated in the recent denial (61 FR 14044) on the first SAE petition to update references to SAE standards, NHTSA is considering how best to cooperate with SAE. The Agency has compiled and will provide on request, a reference document containing all the SAE and other organizations' standards that are directly referenced in FMVSS No. 108. The immediate effect is to make it easier for all interested parties, especially lighting and vehicle personnel, to have available the requirements in the Federal lighting standard. The agency recognizes the problem of finding older SAE standards, and takes this action as a short term solution to solve that problem. Together, this document of referenced standards and the current version of FMVSS No. 108 will provide our customers with as current a version of the lighting standard as is reasonable.

As a longer term solution, the Agency looks to SAE and our regulated partners to help find ways to make the more recent SAE documents be more acceptable from a regulatory burden and motor vehicle safety perspective, and to be longer lasting in their value. Thus, the agency will be favorably inclined to

consider any future SAE or other petitioner's request that has significant safety benefit or when such action would remove impediments to the use of new technologies.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the specific action requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies the SAE's petition.

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

Issued on: May 29, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-13866 Filed 6-3-96; 8:45 am]

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49 CFR Part 571

[Docket No. 87-10; Notice 6]

RIN 2127-AF83

Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: In response to a petition from Prospects Corporation (Prospects), this document proposes to amend Standard 118, Power-Operated Window, Partition, and Roof Panel Systems, to accommodate power windows, partitions, and roof panels which automatically reverse when closing if an infrared system detects an object in or near the path of the closing window, partition, or panel. Since infrared systems may fail to detect an object the size of a very young child's finger, but can detect the child's hand, the agency is proposing to test those systems using a rod representing the side profile of a child's hand. The proposal also specifies the infrared reflectance of the rods used for testing those systems. This document also proposes to amend the requirements for systems that stop the window, partition, or panel before an appendage or other body part could become trapped by it by eliminating the requirement that those systems reverse after stopping. Reversal is not necessary unless there is a risk that a person may become trapped. In addition, this document requests comment on the

safety of express-up power windows (i.e., power windows that fully close after a single, momentary touching of the window switch), because numerous callers to NHTSA have alleged that express-up windows exist and are unsafe.

DATES: *Comment Date:* Comments must be received by August 5, 1996

Effective and Compliance Dates: If adopted, the proposed amendments would become effective, and compliance required, 30 days following publication of the final rule.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: The following persons by mail at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For technical issues:

Mr. Richard Van Iderstine, Office of Crash Avoidance Standards, NPS-21, telephone (202) 366-5280, facsimile (202) 366-4329, electronic mail "rvaniderstine@nhtsa.dot.gov".

For legal issues:

Mr. Paul Atelsek, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, facsimile (202) 366-3820, electronic mail "patelsek@nhtsa.dot.gov". Please note that comments should be sent to the docket section rather than faxed to the contact persons.

SUPPLEMENTARY INFORMATION:

I. Background

Standard No. 118 regulates the safety of power windows, partitions, and roof panels. For the sake of simplicity, and because NHTSA anticipates that this proposal would primarily affect power windows, the agency collectively refers to these three systems as "power windows" in the preamble. However, the proposed changes apply equally to powered partitions and roofs. The standard addresses the threat to unsupervised children of being strangled or suffering limb-crushing injuries by closing power windows. Originally, the standard required that the activation of power windows be linked to an ignition interlock. The standard prohibited the activation of power windows unless the ignition key was in the ignition and turned to the "on", "start" or "accessory" position, based on the presumption that this precondition would ensure that a driver