

Ordering Clauses

16. Accordingly, *it is ordered* that, pursuant to the authority granted in Sections 4(i), 4(j), 303(r) and 623 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 154(j), 303(r) and 543, the requirements set forth in the *Third Report and Order* are amended to provide that the use of the same rate regulatory methodology will be required for all rate regulated tiers for the entire period in which an operator is subject to rate regulation on more than one tier.

17. *It is further ordered* that the requirements established in this decision shall become effective September 30, 1996.

18. *It is further ordered* that, the Secretary shall send a copy of this *Memorandum Opinion and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Public Law No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601 *et seq.* (1981).

Federal Communications Commission.
William F. Caton,
Acting Secretary.

List of Subjects in 47 CFR Part 76
Cable television.

Rule Changes

Part 76 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 552, 554, 556, 558, 560, 561, 571, 572, 573.

Section 76.922(a) is revised to read as follows:

§ 76.922 Rates for the basic service tier and cable programming services tiers.

(a) *Basic and cable programming service tier rates.* Basic service tier and cable programming service rates shall be subject to regulation by the Commission and by state and local authorities, as is appropriate, in order to assure that they are in compliance with the requirements of 47 U.S.C. 543. Rates that are demonstrated, in accordance with this part, not to exceed the "Initial Permitted Per Channel Charge" or the "Subsequent Permitted Per Channel Charge" as described in this section, or

the equipment charges as specified in § 76.923, will be accepted as in compliance. The maximum monthly charge per subscriber for a tier of regulated programming services offered by a cable system shall consist of a permitted per channel charge multiplied by the number of channels on the tier, plus a charge for franchise fees. The maximum monthly charges for regulated programming services shall not include any charges for equipment or installations. Charges for equipment and installations are to be calculated separately pursuant to § 76.923. The same rate-making methodology (either the benchmark methodology found in paragraph (b) of this section, or a cost-of-service showing) shall be used to set initial rates on all rate regulated tiers, and shall continue to provide the basis for subsequent permitted charges.

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[FR Doc. 96-21582 Filed 8-28-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-87; Notice 2]

RIN 2127-AF78

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

SUMMARY: This document amends Standard No. 108, the Federal motor vehicle standard on lighting, to adopt new photometric requirements for motorcycle headlamps. The requirements will improve the objectivity of the aiming of their upper beam. The new photometric requirements are those of Society of Automotive Engineers (SAE) Standard J584 OCT93, added as a new Figure 32 to Standard No. 108. They will exist simultaneously with the current photometric requirements of SAE J584 April 1964 until September 1, 2000, when they become mandatory for new vehicle equipment. When being tested for photometric compliance with Figure 32, the upper beam of motorcycle headlamps will be aimed photoelectrically, instead of visually, as at present.

The amendments will enhance motor vehicle safety by improving visibility for

the motorcycle operator, and detectability of his or her machine.

DATES: The final rule is effective October 15, 1996. Conformance with its requirements is optional until September 1, 2000, when it becomes mandatory.

Petitions for reconsideration must be filed not later than October 15, 1996.

ADDRESSES: Petitions for reconsideration must refer to Docket No. 95-87; Notice 2 and be submitted to: Administrator, NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Safety Performance Standards, NHTSA (Telephone: 202-366-5276; FAX: 202-366-4329).

SUPPLEMENTARY INFORMATION:

Background

Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, specifies requirements for motorcycle headlamps. Principally, these are the specifications of SAE Standard J584 April 1964, which have been incorporated by reference into Standard No. 108.

Petition for Rulemaking

The Motorcycle Industry Council (MIC) petitioned for rulemaking to amend Standard No. 108 to allow SAE Standard J584 OCT93 as an alternative to SAE J584 April 1964. According to MIC, motorcycle headlamps designed to conform to SAE J584 April 1964 have difficulty in providing sufficient lower beam illumination directly in front of the motorcycle, a need met by SAE J584 OCT93. Further, adoption of the 1993 requirements would allow manufacturers to install the same headlamp design on motorcycles sold in the United States as are currently being installed on motorcycles sold in 50 other countries.

The Notice of Proposed Rulemaking (NPRM)

In response to MIC's petition, NHTSA published a notice of proposed rulemaking (NPRM) on February 21, 1996 (61 FR 6616). NHTSA noted in the NPRM that, although it had granted MIC's petition, SAE J584 OCT93 is inappropriate for incorporation in full into Standard No. 108 because J584 OCT93 contains three sets of photometric specifications for five different classes of motorcycles. Standard No 108, on the other hand (J584 April 1964), contains two sets of photometric specifications, applicable to motorcycles and to motor driven cycles, i.e., motorcycles with 5 horsepower or less.

The specifications of SAE J584 OCT93 that did appear appropriate to NHTSA for inclusion in Standard No. 108 were the photometric requirements of Table 2, essentially refinements of those contained in the 1964 SAE standard applicable to motorcycles and to motor driven cycles. The primary differences are that both the maxima and minima candela are increased in J584 OCT93. Further, specifications are added for seven new test points on the lower beam (five for motor driven cycles), and seven on the upper beam (one for motor driven cycles). This increase in performance over that provided by the 1964 specifications promises better visibility for the operator and detectability by other motorists. This could reduce crashes for motorcyclists. Because of this potential to enhance safety, NHTSA tentatively concluded that the photometric requirements of Table 2 J584 OCT93 should become mandatory. In NHTSA's view, the permanent co-existence of two SAE standards, which prescribe different minima for the same test points, would undermine efforts to enforce the new, higher set of requirements.

However, because SAE J584 OCT93 prescribes higher test point minima than Standard No. 108's J584 April 1964, current motorcycle headlamps cannot be certified to meet the new SAE specifications. Consequently, NHTSA stated that it would be willing to allow a period of time in which the two specifications would co-exist as options until industry could retool for compliance with the newer ones. The agency was uncertain as to the time needed for headlamp redesign. For this reason, it proposed that the new requirements (contained in proposed Figure 31) become mandatory not earlier than two years and not later than four years after publication of the final rule, with optional compliance permitted beginning 30 days after publication. NHTSA requested comments on the appropriate lead time to make the proposed changes to motorcycle headlamp photometry.

On its own initiative, the agency reviewed the new and old SAE requirements to determine if there were other areas in which motorcycle headlamp performance could be enhanced. It found one such area. The April 1964 version of SAE J584 allows the upper headlamp beam to be aimed visually during the photometric test, while all subsequent versions have specified that it be aimed photoelectrically. Because a Federal motor vehicle safety standard by definition must be "objective", NHTSA tentatively concluded that a

requirement for photoelectric aim of the upper beam would improve the objectivity of Standard No. 108, and assist manufacturers in their determinations of compliance for certification purposes. Therefore, it proposed that this method of aiming be used in testing headlamps to the photometrics of Figure 31.

In summary, the agency stated that the two amendments would be effectuated as follows. The amendments would be added to Standard No. 108 thirty days after publication of the final rule. At that time, a manufacturer would have the choice of continuing to conform to the 1964 photometrics and visual determination of upper beam compliance, or to conform to the photometrics of Figure 31 and photoelectric determination of upper beam compliance. As of a date two to four years after publication of the final rule, the manufacturer would be required to conform to Figure 31 and photoelectric determination.

Finally, the agency proposed to place all requirements pertaining to the performance of motorcycle headlamps in S7, *Headlighting requirements*, which currently incorporates all such requirements for motor vehicles other than motorcycles. New paragraph S7.9 would accomplish this purpose. Paragraphs S5.1.1.23, S5.1.1.24, and S5.6 (headlamp modulation systems) would become paragraphs S7.9.3, S7.9.5, and S7.9.4, respectively.

Comments on the NPRM

Comments were received from MIC, Stanley Electric Co. Ltd. (Stanley), Koito Manufacturing Co. Ltd. (Koito), American Suzuki Motor Corporation (Suzuki), and American Honda Motor Co. (Honda). Four principal issues were raised.

Leadtime. All commenters supported a leadtime of 4 years for mandatory compliance with the requirements proposed by the NPRM, some saying that it was "appropriate" and others that it was the "minimum" required. A typical comment was that of Suzuki, which said that in some cases, a leadtime of less than 4 years could require costly headlamp redesign for motorcycles shortly before they are replaced with new models. On the other hand, allowance of a 4-year lead time would be adequate to modify existing product lines and incorporate the new requirements in a cost effective manner.

NHTSA has heeded these comments. Given the support for the maximum leadtime proposed, and the likelihood that manufacturers will phase-in compliance with the new requirements before that time, as they replace existing

models, mandatory compliance with the final rule will be required as of September 1, 2000.

Photometric Requirements. Koito and Suzuki opposed some of the values proposed. Specifically, they requested that the maximum intensity for upper beam headlamps at test point 4D-V be increased from 7,500 cd to 12,000 cd, and that the 75,000 cd maximum at any point be removed, or replaced with a maximum of 112,500 cd. It supported its position with the rationale that mainstream motorcycles in the United States are equipped with two-lamp headlamp systems and that each lamp is photometered separately. Then the values at the test points are added. Also, Figure 17A of Standard No. 108 allows a value of 12,000 cd at 4D-V, and a two-lamp system often exceeds a 7,500 cd value.

These comments appear based upon a misunderstanding of Standard No. 108. When a motorcycle is equipped with a two-lamp headlamp system, there is no summing of test point values in determining compliance. Each headlamp for use on a motorcycle must comply with specified photometrics for a single lamp, and not as a system of two headlamps. Thus, the maximum values apply to a single headlamp, and not the system of two headlamps as the commenters appear to believe.

Therefore, there is no reason to increase the values in the final rule from those originally proposed. Conversely, should a motorcycle be equipped with a single headlamp incorporating dual light sources to achieve either the upper or lower beam, the headlamp must be tested for photometric compliance with both light sources energized simultaneously, and the lamp must be designed to comply in this manner.

Aftermarket Replacement Headlamps. MIC is concerned that lamp manufacturers will be required to discontinue production of lamps for the replacement aftermarket that do not conform to the new standard. In its view, this could support a phase-in period longer than 4 years in order to provide proper replacement lighting for older, in-use motorcycles.

NHTSA understands MIC's concern. The agency has reviewed paragraph S5.8 *Replacement Equipment* of Standard No. 108. As a general rule, lighting equipment intended to replace original equipment must "be designed to conform to this standard," meaning Standard No. 108 as in effect on the date the replacement equipment is manufactured. Subparagraphs of S5.8 provide exceptions to the general rule, and allow turn signal lamps, taillamps, and stop lamps to meet the SAE

standard that applied to the original equipment they are intended to replace, as an alternative to meeting the SAE requirements specified for new vehicles in Tables I and III of Standard No. 108. It is to be noted that motorcycle headlamps and all other required lamps and reflectors are not among the exceptions. With respect to headlamps, NHTSA notes that the replacement equipment provisions were adopted when the only headlamps available were a limited number of sealed beam types that were intended to be universal replacements.

Because Standard No. 108 allows certain items of replacement lighting equipment to meet either current specifications or those in effect when the original lighting equipment was manufactured, NHTSA has tentatively concluded that this alternative should be extended to all items of lighting equipment, including headlamps. While the idea of enhancing safety through upgrades in replacement equipment is intuitively attractive, in some instances upgraded equipment may be incompatible with the electrical systems of older vehicles. In addition, many lamp designs are vehicle-specific, and it is costly to lamp manufacturers to have to design lamps of identical dimensions to two different performance requirements. An owner should not be denied the chance to buy replacement equipment that is suitable for his or her vehicle. At a minimum, this is replacement equipment equivalent to the performance of the original equipment covered by the vehicle manufacturer's certification of compliance. The owner should also be offered the opportunity to purchase upgraded replacement equipment if it is available for use on his or her vehicle.

Accordingly, NHTSA intends to propose in the near future an amendment to S5.8 sufficient to allow all replacement lighting equipment to be designed to comply with either the requirements that applied to original equipment, or to requirements for such equipment that are in effect at the time the replacement equipment is manufactured. However, because an amendment of this nature was not proposed in the NPRM to this final rule, NHTSA cannot proceed to a direct amendment in this document.

Request To Delete the Out-of-Focus Test Requirement

Suzuki asked for removal of the out-of-focus test, saying that it represents an outdated and unnecessary requirement made obsolete by the SAE and technological advances. It submits in support of its request the fact that the

out-of-focus test no longer appears in the current versions of SAE J584 and J575. Koito requested that motorcycle headlamps equipped with bulbs either specified in SAE J1577 "Replaceable Motorcycle Headlamp Bulbs" or listed in part 564's Docket No. 93-11 be excluded from the out-of-focus test specified in SAE J584 April 1964. The reason for this request is that these bulbs have specified filament tolerance dimensions. Further, it argued that this test is not required in most other countries and contradicts international harmonization.

The issue of excluding certain types of bulbs from the out-of-focus test was not raised in the NPRM, but NHTSA wishes to discuss it here.

In brief, Standard No. 108 requires that headlamps designed to comply with motorcycle photometrics meet the out-of-focus test specified in Paragraph K of SAE Standard J575d "Tests for Motor Vehicle Lighting Devices and Components", August 1967. Paragraph K requires that photometric tests be conducted for each of four out-of-focus filament positions, except that the complete distribution may be omitted. Headlamps designed for use on motor vehicles other than motorcycles are also required to comply with the photometric performance requirements when equipped with any complying bulb. This means compliance at 100 percent of the allowable filament tolerances in any possible combination. Such a test is needed to ensure that photometric requirements are achievable with any mass produced headlamp bulb. Additionally, NHTSA notes that, while not referenced in Standard No. 108, the current version of SAE J1383 JUN90 "Performance Requirements for Motor Vehicle Headlamps" has an out-of-focus test.

The first issue presented concerns SAE J1577. NHTSA notes that this standard about motorcycle light sources has not been proposed for incorporation or incorporated into Standard No. 108. In fact, there are no specifications at all in Standard No. 108 for motorcycle headlamp light sources. The standard simply specifies the photometrics that must be met by motorcycle headlamps.

The second issue that Koito raises in essence concerns the use of a bulb in a motorcycle headlamp that was designed for vehicles other than motorcycles. The filament tolerance range of such bulbs is specified in part 564, to be sure, but only for non-motorcycle applications.

In the absence of any specifications for motorcycle headlamp light sources, NHTSA believes that the out-of-focus test must be retained, even for those non-motorcycle headlamp light sources

which may be acceptable for use in vehicles other than motorcycles.

These performance requirements associated with photometric performance and filament location (through compliance with the out-of-focus test) have been in effect since January 1, 1969, the date on which Standard No. 108 became effective for motorcycles. The fact that many other countries may not have similar procedures reflects the difference between NHTSA's self-certification scheme and the type approval system of those countries. Under the laws of these countries, it may be a violation to manufacture, sell, or install a bulb if it has not been approved by the government. Because lamp performance cannot be assured without either an out-of-focus test, or direct regulation of the bulb, the out-of-focus test cannot be deleted without a corresponding change adding discrete types of motorcycle headlamp bulbs.

In summary, today in the United States, photometric compliance is achieved with marketplace replaceable light sources whose filament locations are not subject to Federal rules. This offers significant design freedom in the marketplace which would be lost if the dimensions of each existing and new bulb had to be regulated. NHTSA has no present intention of engaging in rulemaking that would regulate the dimensions of motorcycle headlamp light sources.

Clarification. Paragraph S6.1 states that, unless otherwise stated in Standard No. 108 and with the exceptions noted in S6.1, the SAE Standards and Recommended Practices referenced in Standard No. 108 are those in the 1970 SAE Handbook. One of the exceptions is that "[f]or headlamps, unless otherwise specified in this standard, the version of SAE Standard J575 is DEC88". NHTSA wishes to clarify that this does not include motorcycle headlamps, and that the version of J575 that applies to motorcycle headlamps is that of the 1970 Handbook (SAE J575d, August 1967). The final rule, therefore, contains an appropriate amendment of S6.1.

Effective Dates

In order to allow compliance with an optional requirement at the earliest possible time, it is hereby found, for good cause shown, that an effective date earlier than 180 days after issuance of the final rule is in the public interest. Accordingly, the final rule is effective 45 days after its publication in the Federal Register.

Because the commenters indicated that a 4-year leadtime is the earliest

practicable date upon which they can meet a mandatory standard, good cause is shown for an effective date later than one year after issuance of the final rule, and compliance with the photometric requirements of the final rule becomes mandatory on September 1, 2000.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures. This rulemaking action was not reviewed under Executive Order 12866. Further, it has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. NHTSA currently anticipates that the costs of the final rule will be so minimal as not to warrant preparation of a full regulatory evaluation. Headlamps are changed as part of styling; as long as adequate leadtime is allowed, no costs should be incurred. However, for comments on this assumption, NHTSA asked for comments on the costs and other impacts associated with a two to four-year leadtime for mandatory compliance with a final rule, and said that if the comments received indicate that the impacts are more than minimal, NHTSA would prepare a full regulatory evaluation before issuing a final rule. MIC stated that if the costs of compliance were amortized over a minimum implementation period of four years, the impact would be sufficiently reduced so as to support the agency not preparing a full regulatory evaluation. The agency is providing a compliance period of four years in the final rule.

National Environmental Policy Act. NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that the final rule will have a significant effect upon the environment. The composition of motorcycle headlamps will not change from those presently in production.

Regulatory Flexibility Act. The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. For the reasons stated above and below, I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motorcycles and their headlamps, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. The agency does not anticipate that the cost of headlamps will increase as a result of this rulemaking action.

Executive Order 12612 (Federalism). This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice. The final rule will 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. 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

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

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

2. Section 571.108 is amended by

(a) Removing and reserving paragraphs S5.1.1.23, S5.1.1.24, S5.6, S5.6.1 and S5.6.2;

(b) Revising the penultimate sentence of paragraph S6.1 to read as follows;

(c) Adding new paragraphs S7.9, S7.9.1 through S7.9.4, S7.9.4.1, S7.9.4.2, and S7.9.5 to read as follows;

(d) Adding in numerical order Figure 32; and

(e) Amending Table III by revising the text immediately following the Table heading and by revising the entry for headlamps, to read as follows:

§ 571.108 Standard No. 108 Lamps, Reflective Devices, and Associated Equipment.

* * * * *

S5.1.1.23 [Reserved]
S5.1.1.24 [Reserved]

* * * * *

S5.6 [Reserved]
S5.6.1–S5.6.2 [Reserved]

* * * * *

S6 Subreferenced SAE Standards and Recommended Practices
S6.1 * * * For headlamps other than motorcycle headlamps, unless

otherwise specified in this standard, the version of SAE Standard J575 is DEC88, and the version of SAE Standard J602 is OCT80. * * *

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S7 Headlighting requirements.

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S7.9 Motorcycles. Each motorcycle shall be equipped with a headlighting system designed to conform to the following requirements.

S7.9.1 A motorcycle manufactured before September 1, 2000, may be equipped with—

(a) A headlighting system designed to conform to SAE Standard J584 *Motorcycle Headlamps* April 1964, or to SAE Standard J584 April 1964 with the photometric specifications of Figure 32 and the upper beam aimability specifications of paragraph S7.9.3; or

(b) One half of any headlighting system specified in S7.1 through S7.6 which provides both a full upper beam and full lower beam. Where more than one lamp must be used, the lamps shall be mounted vertically, with the lower beam as high as practicable.

S7.9.2 A motorcycle manufactured on or after September 1, 2000, shall be equipped with—

(a) A headlighting system designed to conform to SAE Standard J584 *Motorcycle Headlamps* April 1964 with the photometric specifications of Figure 32 and the upper beam aimability specifications of paragraph S7.9.3; or

(b) A headlighting system that conforms to S7.9.1(b).

S7.9.3 The upper beam of a multiple beam headlamp designed to conform to the photometric requirements of Figure 32 shall be aimed photoelectrically during the photometric test in the manner prescribed in SAE Standard J584 OCT93 *Motorcycle Headlamps*.

S7.9.4 Motorcycle headlamp modulation system.

S7.9.4.1 A headlamp on a motorcycle may be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity, provided that:

(a) The rate of modulation shall be 240 ± 40 cycles per minute.

(b) The headlamp shall be operated at maximum power for 50 to 70 percent of each cycle.

(c) The lowest intensity at any test point shall be not less than 17 percent of the maximum intensity measured at the same point.

(d) The modulator switch shall be wired in the power lead of the beam filament being modulated and not in the ground side of the circuit.

(e) Means shall be provided so that both the lower beam and upper beam

remain operable in the event of a modulator failure.

(f) The system shall include a sensor mounted with the axis of its sensing element perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level of light emitted by a tungsten filament light operating at 3000° Kelvin is either less than 270 lux (25 foot-candles) of direct light for upward pointing sensors or less than 60 lux (5.6 foot-candles) of reflected light for downward pointing sensors. The light is measured by a silicon cell type light meter that is located at the sensor and pointing in the same direction as the sensor. A Kodak Gray Card (Kodak R-27) is placed at ground level to simulate the road surface in testing downward pointing sensors.

(g) When tested in accordance with the test profile shown in Figure 9, the voltage drop across the modulator when

the lamp is on at all test conditions for 12 volt systems and 6 volt systems shall not be greater than .45 volt. The modulator shall meet all the provisions of the standard after completion of the test profile shown in Figure 9.

(h) Means shall be provided so that both the lower and upper beam function at design voltage when the headlamp control switch is in either the lower or upper beam position when the modulator is off.

S7.9.4.2(a) Each motorcycle headlamp modulator not intended as original equipment, or its container, shall be labeled with the maximum wattage, and the minimum wattage appropriate for its use. Additionally, each such modulator shall comply with S7.9.4.1 (a) through (g) when connected to a headlamp of the maximum rated power and a headlamp of the minimum rated power, and shall provide means so

that the modulated beam functions at design voltage when the modulator is off.

(b) Instructions, with a diagram, shall be provided for mounting the light sensor including location on the motorcycle, distance above the road surface, and orientation with respect to the light.

S7.9.5 Each replaceable bulb headlamp that is designed to meet the photometric requirements of paragraph S7.9.1(a) or paragraph S7.9.2(a) and that is equipped with a light source other than a replaceable light source meeting the requirements of paragraph S7.7, shall have the word "motorcycle" permanently marked on the lens in characters not less than 0.114 in. (3 mm) in height.

* * * *

FIGURE 32—MOTORCYCLE AND MOTOR-DRIVEN CYCLE HEADLAMP PHOTOMETRIC REQUIREMENTS

Test Points (deg.)		Motorcycle (candela)	Motor-Driven Cycle (candela)	Motor-Driven Cycle with Single Lamp System (candela)
Up or Down	Left or Right			
Lower Beam				
1.5U	1R to R	1400-MAX	1400-MAX	
1.5U	1R to 3R			1400-MAX.
1U	1.5L to L	700-MAX	700-MAX	700-MAX.
0.5U	1.5L to L	1000-MAX	1000-MAX	1000-MAX.
0.5U	1R to 3R	2700-MAX	2700-MAX	2700-MAX.
1.5D	9L and 9R	700-MIN		
2D	0.0R	7000-MIN	5000-MIN	4000-MIN.
2D	3L and 3R	4000-MIN	3000-MIN	3000-MIN.
2D	6L and 6R	1500-MIN	1500-MIN	1500-MIN.
2D	12L and 12R	700-MIN		
3D	6L and 6R	800-MIN	800-MIN	
4D	0.0R	2000-MIN	2000-MIN	1000-MIN.
4D	4R	12500-MAX	12500-MAX	12500-MAX.
Upper Beam				
2U	0.0R	1000-MIN		
1U	3L and 3R	2000-MIN	2000-MIN.	
0.0U	0.0R	12500-MIN	10000-MIN.	
0.5D	0.0R	20000-MIN	20000-MIN.	
0.5D	3L and 3R	10000-MIN	5000-MIN.	
0.5D	6L and 6R	3300-MIN	2000-MIN.	
0.5D	9L and 9R	1500-MIN		
0.5D	12L and 12R	800-MIN		
1D	0.0R	17500-MIN	15000-MIN.	
2D	0.0R	5000-MIN	5000-MIN.	
3D	0.0R	2500-MIN	2500-MIN.	
3D	6L and 6R		800-MIN.	
3D	9L and 9R	1500-MIN		
3D	12L and 12R	300-MIN		
4D	0.0R	1500-MIN		
4D	0.0R	7500-MAX	7500-MAX.	
ANYWHERE	ANYWHERE	75000-MAX	75000-MAX.	

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TABLE III—Required Motor Vehicle Lighting Equipment

[All Passenger Cars and Motorcycles, and Multipurpose Passenger Vehicles, Trucks, Buses and Trailers of Less Than 80 (2032) Inches (M) Overall Width]

Item	Passenger cars, multipurpose passenger vehicles, trucks, and buses	Trailers	Motorcycles	Applicable SAE standard or recommended practice (See S5 for subreferenced SAE materials)
Headlamps	See S7	None	See S7.9	J566 January 1960.
*	*	*	*	*

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Issued on: August 23, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 96-22058 Filed 8-28-96; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD77

Addition of Ten National Wildlife Refuges to the List of Open Areas for Hunting and/or Sport Fishing in Arkansas, Illinois, Indiana, Louisiana, Missouri, Mississippi, and Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) adds the following National Wildlife Refuges (NWRs), to the list of areas open for hunting and/or sport fishing, along with pertinent refuge-specific regulations for such activities: Bald Knob NWR, AR; Cossatot NWR, AR; Emiquon NWR, IL; Potoka NWR, IN; Big Branch Marsh NWR, LA; Grand Cote NWR, LA; Mandalay NWR, LA; Big Muddy NWR, MO; Tallahatchie NWR, MS and Boyer Chute NWR, NE. The Service determines that such use is compatible with the purposes for which these refuges were established. The Service further determines that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound fish and wildlife management, and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges.

EFFECTIVE DATE: This rule is effective August 29, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, (703) 358-2397.

SUPPLEMENTARY INFORMATION: The Service generally closes national wildlife refuges to hunting and sport fishing until opening them by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action also must be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound fish and wildlife management, and otherwise must be in the public interest. This rulemaking opens Bald Knob NWR, AR, Big Branch Marsh NWR, LA, Big Muddy NWR, MO, Cossatot NWR, AR, Emiquon NWR, IL and Potoka River NWR, IN to hunting migratory game birds, upland game, big game and sport fishing. This rulemaking also opens Boyer Chute NWR, NE, Grand Cote NWR, LA, Mandalay NWR, LA and Tallahatchie NWR, MS to sport fishing.

Text in this final rule is different than that used in the proposed rules because it reflects conformity to plain English writing standards. In the June 21, 1996, issue of the Federal Register (61 FR 31888-31910) the Service published ten (10) proposed rulemakings containing a description of the refuges and their proposed hunting and/or fishing programs and invited public comment. Each of these refuges was assigned a separate rule identification number (RIN) number in the proposed rulemaking as follows:

Bald Knob NWR, AR, RIN 1018-AD80;
Cossatot NWR, AR, RIN 1018-AD78;
Emiquon NWR, IL, RIN 1018-AD85;
Potoka NWR, IN, RIN 1018-AD86;
Big Branch Marsh NWR, LA, RIN 1018-AD79;
Grand Cote NWR, LA, RIN 1018-AD77;
Mandalay NWR, LA, RIN 1018-AD82;
Big Muddy NWR, MO, RIN 1018-AD88;
Tallahatchie NWR, MS, RIN 1018-AD81 and

Boyer Chute NWR, NE, RIN 1018-AD89.

The Service combined the proposed rules into this single final rule (RIN 1018-AD77). A description of the refuges and their proposed hunting and/or fishing programs was provided in the proposed rules.

The National Rifle Association (NRA) supports opening designated refuges including Cossatot NWR to migratory game bird, upland game, and/or big game hunting. They note that while hunting at Cossatot is to be permitted in accordance with the State of Arkansas' regulations and licensing requirements, the Service is imposing several exceptions. In cases where the Service is departing from state rules and regulations, it would be helpful to the public for the Service to provide a brief explanation as to why it is posing those exceptions. They would appreciate having the rationale for the listed exceptions included as part of the final rule.

In the case of Cossatot NWR, and several other refuges, the Service requires a refuge specific permit to hunt. This requirement normally exceeds state fish and game regulations, but is employed as a management tool, it: (1) Controls the total number of hunters permitted to be hunting at any one time on the refuge; (2) provides a method for the hunter to receive a copy and understand the refuge specific regulations, which usually contain a hunting area map; and (3) provides special notice of any change to the regulations during the season and (4) assists in lost hunter identity and law enforcement issues.

Several individuals provided comments opposing additional hunting on national wildlife refuges. It is the policy of the Fish and Wildlife Service to provide wildlife-dependent recreational opportunities on a national wildlife refuge when compatible with the purposes for which that specific refuge was established.

This rule is final upon publication. The Service has determined that any