

Dated: November 8, 1995.
 Patrick M. Tobin,
Acting Regional Administrator.
 [FR Doc. 95-28489 Filed 11-22-95; 8:45 am]
 BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-170; RM-8721]

Radio Broadcasting Services; Campton, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by James P. Wagner proposing the allotment of Channel 279A at Campton, Kentucky, as the community's first local aural transmission service. Channel 279A can be allotted to Campton in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 279A at Campton are North Latitude 37-44-06 and West Longitude 83-32-48.

DATES: Comments must be filed on or before January 5, 1996 and reply comments on or before January 22, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Wagner, P.O. Box 201, Alexandria, Kentucky 41001 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-170, adopted October 31, 1995, and released November 14, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

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.

[FR Doc. 95-28610 Filed 11-22-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 18]

RIN 2127 AB87

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment; Performance-Oriented Roadway Illumination Headlighting Compliance Alternative

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

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates rulemaking action on the effort known as the Vehicle-Based Roadway Illumination Performance Requirement. It was begun as an attempt to move toward a more performance-oriented, less design-restrictive regulatory solution for assuring safe roadway environment illumination. The agency has not been able to adequately explore the myriad solutions to this problem to the extent necessary to satisfy the public's demand for achieving an objective decision on performance. As a consequence, the agency has decided to temporarily cease rulemaking in this area.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Van Iderstine, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366-5275. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: On May 9, 1989 (54 FR 20084) the Agency published a proposal to establish an alternative means of compliance with headlighting safety regulations. This proposal was known as the Vehicle-Based Roadway Illumination Performance Requirement or Performance-Oriented Roadway Illumination. The goal was to achieve a more performance-oriented, less design-restrictive regulatory solution for assuring safe roadway environment illumination. Because the outcome of this action had the potential to be so different from any known means of specifying headlighting performance, commenters to the proposal were skeptical that any solution would be usable and that even if it were, the perceived regulatory burdens of it would not be commensurate with the uncertain potential benefits to public safety. This concern occurred because the proposal had the effect of requiring substantially more illumination than was available from contemporary headlighting systems. It was viewed as not practicable by many of the commenters. As a consequence, commenters suggested that all the assumptions underlying the proposal be justified to assure that the significant increase in illumination would at least maintain safety, and that any solution (that might someday be mandated) would be practicable and cost-beneficial. If these criteria could not be achieved, then any solution, even if it were at the manufacturer's option, would have little likelihood of being used on motor vehicles.

The challenge of responding to these comments led NHTSA on a path to attempt to develop a computer-based methodology for quickly solving hundreds of mutually exclusive illumination conditions that occur every second of nighttime driving. Trade-offs are necessary to resolve these mutually exclusive illumination conditions. These conflicting needs exist because, for example, providing the high levels of light that may be needed to see pedestrians on the right side of a straight stretch of road may create glare for oncoming drivers around the next right hand curve in the road. Should the standard require that sufficient light be provided to ensure every pedestrian can be seen, that all glare to other drivers be eliminated, or that some more mutually satisfactory (or unsatisfactory) shared risk solution be achieved? Safety must be achieved both by balancing and by reducing the risks that occur in driving. It must be done in a cost-effective manner. A computer-based tool for

analyzing the assumptions for making trade-offs in a more objective manner than NHTSA originally used is necessary to do this and resolve commenters' concerns. Without such a tool, such sensitivity analyses would take years of iteration of data and solutions.

The Agency has been unable to develop a practical tool for reliably performing sensitivity studies of the multitude of assumptions necessary for achieving a regulatory solution. This fact is presented in the final report documenting the effort: "a considerable amount of work must still be accomplished before the goal of a safety-based device-free photometric standard may be implemented." Reports about this development effort are available as DOT HS 807 697 (PB 91181651) Development of a headlight system performance evaluation tool; cost \$17.00, and DOT HS 808 041 (PB 94125762) Development of headlight system performance criteria; cost \$19.50. The source is the National Technical Information Service, Springfield, VA 22161. These reports also are available for reading in the agency's Technical Information Library.

Without the ability to perform these sensitivity studies in a timely and resource-effective manner, the Agency is not able to examine in detail the effects of each of the trade-offs that must be made. Because of this inability, the Agency cannot make the decisions on the necessary tradeoffs between safe illumination for the myriad targets in the field of view of drivers at night. Further, this inability prevents the Agency from giving commenters the

information that they desire to assess the merits of the proposal. In the past, such decisions relied on the empirical results of more than eighty years of world-wide research for guiding rational decisions on headlamp illumination trade-offs. The results have been codified in the national laws of countries around the world. With NHTSA's proposal being such a significantly different way of specifying roadway lighting performance, it is easy to understand the reluctance and concern of commenters to accept a new way of dealing with it, without having a complete and objective explanation and understanding. Because the Agency will not be able to assess and make the trade-offs, there appears to be no reason to continue this rulemaking action. However, should the agency be able to develop such information, it would reopen rulemaking at that time.

Additionally, while interest on the part of lighting and vehicle manufacturers in the proposal was high because of the potential for less regulatory burden and greater styling freedom, it would appear that the need for moving away from the traditional "headlamp on the front corner of each vehicle" approach to styling is blocked by many technological and regulatory unknowns. There continues to be talk in the popular press of development of distributive or centralized headlighting systems (that may use fiber optic light pipes to channel light to multiple headlamps from a remotely mounted light bulb), and adaptive headlighting with multiple beams (that may alter the beam patterns and light distribution on the road depending on the perceived

needs of the driver). It appears that none of these concepts is sufficiently developed for lighting and vehicle manufacturers to decide how the present lighting regulations help or hinder the future application of these new lighting technologies to motor vehicles and thus determine what amendments should be sought. The vehicle-based roadway illumination performance requirement was one way (albeit, a bold new way) to address the need for accommodating new technology and preserving or improving safety.

Thus, someday, should the vehicle industry need such design and regulatory freedom as the Vehicle-Based Roadway Illumination Performance Requirement had the potential to offer or should there be other regulatory solutions available, the Agency would likely be enthusiastic about addressing them. But, it would probably choose a less resource-intensive route than the one being abandoned, unless there were some obvious and significant safety value to the public to be achieved from the potentially large expenditure. Also, it is likely that such a solution might best be achieved through the regulatory negotiation process, given the difficulty of detailing the merits of the trade-offs.

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

Issued on: November 17, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-28683 Filed 11-22-95; 8:45 am]

BILLING CODE: 4910-59-P