

**FOR FURTHER INFORMATION CONTACT:**

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-53, adopted March 6, 1996, and released March 21, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's 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 contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

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* contact.

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-7619 Filed 3-28-96; 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 Mr. John Chevedden's petition for rulemaking to require only amber bulbs be sold in the aftermarket for replacement of the front amber turn signal bulbs. NHTSA's analysis of the

petition concludes that this action would have a negligible effect on reducing crashes or fatalities, and would have significant cost effects for the redesign of turn signal and stop lamps.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Van Iderstine, Office of Safety Performance Standards, NHTSA, 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:** By letter dated November 14, 1995, Mr. John Chevedden of Redondo Beach, California, petitioned the agency to issue a rule that would "require only amber light bulbs to be sold in the aftermarket for replacement of factory amber front turn signal bulbs." Mr. Chevedden stated that this is necessary "to prevent the aftermarket from nullifying the requirement (since 1963) that front turn signal lamps be amber." He states that the use of clear bulbs on vehicles with clear lenses on front turn signal lamps nullifies the amber requirement.

While it is true that front turn signal lamps are required to be amber on new motor vehicles at the time of their delivery to the first user, the requirement may be met by either an amber bulb behind a clear lens, or a clear bulb behind an amber lens. In service, the correct maintenance of that safety equipment is the responsibility of vehicle owners. The installation of incorrect bulbs or replacement lenses represents the failure of the owner to fulfill that responsibility. The responsibility for inspection of and enforcement for properly operating safety equipment belongs to the states, and in the petitioner's case, existing laws in most states require that front turn signal lamps emit amber light.

The clear bulbs, about which the petitioner is concerned, that may be used to replace burned-out amber bulbs in front turn signal lamps with clear lenses, are also used for all existing backup, stop, and rear red turn signal lamps, as well as for other purposes. These bulbs would be banned under the Mr. Chevedden's petition. Ultimately, this would necessitate that new bulbs be designed and marketed that are not interchangeable between lamp functions. This would have cost impacts on new and replacement bulbs as well as on the design of new signal lamps. This also could have significant adverse consequences to safety, because of the inability of vehicle owners to obtain clear replacement bulbs for the ones that will burn out on the 150 million vehicles already in the fleet. Thus, the

fleet could have fewer and fewer functional lamps over time, leading to increases in accidents.

Mr. Chevedden did not provide any support for his petition, such as the argument that accidents are occurring as a result of the use of clear turn signal bulbs in lamps with clear lenses. In the absence such support and in light of the adverse consequences that the agency foresees for his solution, the agency sees no basis for rulemaking.

In accordance with 49 CFR part 552, this completes the agency's technical review of the petition. 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. After considering all relevant factors, including the need to allocate and prioritize limited agency resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

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

Issued on: March 25, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96-7706 Filed 3-28-96; 8:45 am]

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#### 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 a petition from the Society of Automotive Engineers (SAE) for rulemaking to incorporate the latest version of SAE Standard J594—*Reflex Reflectors*, 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 this SAE standard. While incorporation would make reflex reflector requirements more readily available to lighting and vehicle design engineers as a current reference, it would require considerable expenditures of agency resources to implement it and all the other SAE standards whose references in FMVSS No. 108 are not the most recent. The agency's commitment of its resources to identify its safety priorities precludes

granting this petition. However, the agency will compile a reference document of materials incorporated into Standard No. 108 to improve availability of these materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jere Medlin, Office of Crash Avoidance Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Medlin's telephone number is: (202) 366-5276. His facsimile number is (202) 366-4329.

**SUPPLEMENTARY INFORMATION:** By letter dated October 4, 1995, 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 J594—*Reflex Reflectors*, into 49 CFR 571.108 (Federal Motor Vehicle Safety Standard No. 108, Lamps, reflective devices and associated equipment). The petitioner claimed the changes in the latest version (J594 JUL95) provide significant improvements in format consistent with the current SAE practice, incorporate information on other SAE publications referenced in the document, include definitions of photometry observation and entrance angles, and provide additional explanations and guidelines for photometry and installation requirements. Petitioner further claimed that these revisions make this new version easier to apply, as well as easier to find because it is located in current SAE Handbooks. Petitioner also claimed that the changes would not adversely affect the costs of any lighting or vehicle manufacturer. 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 J594 are from or referenced to SAE Recommended Practice J575 JUN92—*Test Methods and Equipment for Lighting Devices and Components for Use on Vehicles Less than 2032 mm in Overall Width*. However, the version of J575 to which FMVSS No. 108 refers is J575e August 1970. It is not found in the current SAE Handbook. The same issue occurs for

SAE J578, *Color Specification*. The new SAE J594 refers to the "current version(s)", rather than the version required by FMVSS No. 108, which is SAE J578a October 1966.

Therefore, the advantage claimed by Petitioner by referencing to a standard in current SAE handbooks appears to be very small because this action would update only J594, 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 J594 could continue to be misled as to the pertinent requirements, just as with the currently referenced version.

An example of this issue is seen in the Installation Requirements paragraph of J594 JUL95. NHTSA is currently proposing in another rulemaking (60 FR 54833) to amend geometric visibility requirements of signal lamps (installed visibility requirements) that are substantially different from those in J594 JUL95. Should this geometric visibility proposal be adopted, the text of any referenced version of J594 will be superseded. It is unlikely that J594 JUL95, 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 after just five years because of SAE's schedule of periodic updating of its standards. At that time, the value of the rulemaking efforts requested by this petition would be negated by another SAE update.

Allocation of agency resources and agency priorities must be considered in processing what may be the first of many petitions from the SAE to update each of the SAE standards directly referenced in FMVSS No. 108, and potentially more petitions to update the additional SAE standards that are sub-referenced in those SAE standards. All of these mentioned standards have specific dated versions referenced in

FMVSS No. 108. Because the SAE endeavors to update its standards on a regular five year schedule, the federal regulatory workload from such a course of updating would be continuous and drain resources from other activities. This is not a desirable course given the agency's shrinking resources. Nonetheless, NHTSA recognizes that the technical expertise found on SAE Committees is invaluable to NHTSA's mission, particularly when performance requirements must be developed to accommodate new technologies. Consequently, NHTSA plans to consider how best to cooperate with the SAE. NHTSA will still be favorably inclined to consider any future SAE request that has significant safety benefits or when such action would remove impediments to the use of new technologies.

To respond to the need expressed by SAE, the agency will compile and provide on request to interested persons, a document containing the desired SAE and other organizations' standards which are referenced and subreferenced in FMVSS No. 108. The immediate effect is to make it easier for all interested persons, especially lighting and vehicle personnel, to have available in one document all the requirements in the Federal lighting standard. The agency recognizes the problem of finding older SAE Standards, and takes this action to solve that problem. It will be updated as required.

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 March 25, 1996.

Barry Felrice,

*Associate Administrator for Safety Performance Standards.*

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