

**FEDERAL COMMUNICATIONS
COMMISSION**
47 CFR Part 73

[MM Docket No. 97-129; RM-9076]

**Radio Broadcasting Services; New
Martinsville, WV**

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Seven Ranges Radio Company, Inc., proposing the allotment of Channel 222A at New Martinsville, West Virginia, as potentially the community's third local FM transmission service. Channel 222A can be allotted to New Martinsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.4 kilometers (4.6 miles) south to avoid a short-spacing to the licensed site of Station WWHC(FM), Channel 222A, Oakland, Maryland. The coordinates for Channel 222A at New Martinsville are North Latitude 39-34-38 and West Longitude 80-51-16. Since New Martinsville is located within 320 kilometers (200 miles) of the United States-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before June 30, 1997, and reply comments on or before July 15, 1997.

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: Thomas P. Taggart, Esq., P.O. Box 374, St. Marys, West Virginia 26170 (Counsel for 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. 97-129, adopted April 30, 1997, and released May 9, 1997. 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.*

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DEPARTMENT OF TRANSPORTATION
**National Highway Traffic Safety
Administration**
49 CFR Part 571

[Docket No. 97-030; Notice 1]

RIN 2127-AG47

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

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Federal motor vehicle safety standard on lighting to permit white reflex reflectors designed to be mounted horizontally in trailer and truck tractor conspicuity treatments to be mounted vertically in upper rear corner locations if they comply with photometric requirements when tested horizontally. This action implements the grant of a rulemaking petition from James King & Co. and will have the benefit of simplifying compliance with the standard.

DATES: Comments are due June 30, 1997. The amendments would become effective 45 days after publication of the final rule.

ADDRESSES: Comments should refer to the docket number and notice number, and must be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Patrick Boyd, Office of Safety Performance Standards, NHTSA (Phone: 202-366-5275; FAX 202-366-4329).

SUPPLEMENTARY INFORMATION: Paragraph S5.7 of Motor Vehicle Safety Standard No. 108 specifies conspicuity system requirements for truck tractors, and trailers of 80 or more inches overall width and a gross vehicle weight rating of more than 10,000 pounds. Part of the conspicuity treatment consists of two pairs of white material applied horizontally and vertically to the right and left upper contours of the body. This material may be either white retroreflective sheeting, or white reflex reflectors.

This agency has received a petition for rulemaking concerning white reflectors. Paragraph S5.7.2.1(c) requires white reflex reflectors to "provide at an observation angle of 0.2 degree, not less than 1250 millicandelas/lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 300 millicandelas/lux at any light entrance angle between 45 degrees left and 45 degrees right." A petition from James King & Co. states that white reflectors designed to give the required performance at 30 and 45 degree right and left entrance angles when mounted horizontally cannot do so in the right and left directions when tested in the vertical position. Consequently, when white reflex reflectors are molded in bars of multiple reflectors, the reflector bars required for the two upper rear vertical positions must be different from the reflector bars that are used in horizontal positions to fulfill conspicuity requirements. King has asked NHTSA for rulemaking to allow use of horizontal bars meeting S5.7.2.1(c) in vertical positions.

The agency has granted this petition. The white upper material is part of the rear conspicuity treatment to improve the distance perception of a driver of a faster, overtaking vehicle in the same lane. In this circumstance, the usual view of the truck tractor or trailer by the driver is close to orthogonal. Since the upper rear corner material is meant to provide a two dimensional image to vehicles approaching in the same lane, it does not operate at the high light-entrance angles typical of views of the sides of vehicles. A conspicuity-grade reflex reflector bar, regardless of its mounting orientation, will provide excellent retroreflective performance at the low light entrance angles typical of upper rear corner material. The fact that