institutions constitute, both in quantity and dollar volume, over the last 5 years?

7. What effects, if any, will the recent Report and Order in *In the Matter of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation,* CC Docket Nos. 96–128, 91–35, FCC 96–388 (released September 20, 1996), 61 FR 52307 (October 7, 1996) have on this proceeding?

[FR Doc. 96–27072 Filed 10–22–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 90

[WT Docket No. 96–86; FCC 96–403]

Non-Accredited Standard-Setting Organizations That Develop Standards For Public Safety Wireless Communications Equipment

AGENCY: Federal Communications Commission.

ACTION: Request for Comments.

SUMMARY: This action seeks additional comment on non-accredited standard setting organizations that develop standards for public safety wireless communications equipment. It is necessary for the Commission to receive comment on whether the Communications Act of 1934 generally provides the Commission with authority to impose requirements similar to those identified in Section 273(d)(4) of the Act, and, if so, whether the Commission should exercise this authority. The effect of the action will be to seek additional comment on whether to require open and fair processes, similar to those described in the Act, in the development and adoption of future standards for public safety wireless communications equipment and systems.

DATES: Comments are to be filed on or before October 21, 1996; reply comments are to be filed on or before December 3, 1996.

FOR FURTHER INFORMATION CONTACT: Bob McNamara or John Borkowski, Federal Communications Commission, Wireless Telecommunications Bureau, Washington, D.C. 20554, (202) 418–0680.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, released October 9, 1996. The complete (but unofficial) text of this Commission Public Notice is available on the Internet at: http://www.fcc.gov/Bureaus/Wireless/Public__Notices/fcc96403.txt and for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554. The complete text of this Public Notice is available and may be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, Telephone number (202) 857–3800.

Summary of Public Notice

1. On April 5, 1996, the Commission adopted a *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 96–86, 61 F.R. 25185 (May 20, 1996) that seeks comment on the development of operational, technical, and spectrum requirements for meeting Federal, state, and local public safety agency communication requirements through the year 2010. Specifically, the *Notice* asks for comment on: (1) Methods to facilitate the development of interoperable equipment and technologies, including the development of standards to foster interoperability; (2) the service features and system requirements essential to the effective performance of public safety functions; (3) technological issues regarding the enhancement and improvement of public safety wireless communications; (4) regulatory approaches that address the problems of congested spectrum and fragmented public safety allocations; (5) measures that would foster the development of public safety wireless communications that are spectrally-efficient, of high quality, and effective; and (6) the means to promote competition in the supply of goods and services used by public safety agencies.

2. Prior to the adoption of this *NPRM,* the Commission and the National Telecommunications and Information Administration (NTIA) established the Public Safety Wireless Advisory Committee (Advisory Committee) to address many of these same issues. In the discussions of the Advisory Committee's Interoperability Subcommittee, a need was identified to develop a baseline technology to promote interoperability between and among public safety entities. The Subcommittee subsequently recommended a baseline technology for analog applications. It further recommended that a group comprised of experts from government, industry, and users be organized, following the termination of the Committee's work, to examine a baseline interoperability technology that could be used in digital systems. The organization, membership, and charter of the proposed group were not further specified. The Advisory Committee subsequently recommended that follow-up efforts be continued to advise the Commission and NTIA on public safety wireless communications and adopted the Subcommittee's recommendation that future standards be developed in a fair and open process.

3. Section 273(d)(4) of the Communications Act of 1934, as amended (the Act) establishes procedural and other requirements that certain non-accredited entities must follow if they develop industry-wide telecommunications standards or generic network equipment requirements. We believe that the requirements of Section 273(d)(4) of the Act apply specifically to the development of standards for telecommunications equipment, customer premises equipment and software used in the provision of wireline telephone exchange service, and are not applicable to non-accredited standards-setting organizations that develop standards for public safety wireless communications equipment. We seek comment, however, on whether the general principles articulated in Section 273(d)(4) nonetheless may be useful in the development of standards initiated in the future for public safety equipment. Accordingly, we seek comment on whether the Act generally provides the Commission with authority to impose requirements similar to those identified in Section 273(d)(4), and, if so, whether the Commission should exercise this authority. Specifically, we seek additional comment on whether to require open and fair processes, similar to those described in the Act, in the development and adoption of future standards for public safety wireless communications equipment and systems.

4. Comments and replies should be filed in accordance with the procedures established in WT Docket No. 96–86. Interested parties must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments should reference WT Docket No. 96–86. Parties should send one copy of their comments to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037. Comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

List of Subjects in 47 CFR Part 90

Public safety, Radio.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 96–27073 Filed 10–22–96; 8:45 am]
BILLING CODE 6712–01–P

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 a petition for rulemaking.

SUMMARY: This document denies a petition from Robert Bosch GMBH (Bosch) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108; Lamps, Reflective devices, and associated equipment to allow the intensity of upper beam headlamps to increase from 75,000 to 140,000 cd.

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

SUPPLEMENTARY INFORMATION: By letter dated June 21, 1996, Bosch petitioned the agency to amend FMVSS No. 108 to allow upper beam headlamps with a maximum intensity at point H–V of 140,000 cd. or alternatively, the upper beam requirements in SAE J1735 JAN95 in place of the current Fig. 15 and Fig. 17 upper beam requirements. Bosch stated that present U. S. photometric requirements for upper beam headlamps allow a maximum candlepower of 60,000 and 75,000 cd. at 12.8 Volts. Bosch states that in Europe the maximum candlepower is limited to 112,500 cd. at approximately 12 Volts (which it claims is approximately 140,000 cd. at 12.8 Volts). Bosch claims that with today's technology and particularly in the future with the results of the Advisory Committee on Visual Aim, (a proposal to permit visual headlamp aim is pending) it will be possible to build a headlamp with the same lower beam pattern for the U. S. and Europe markets. Bosch claims that the different requirements for the upper beam in the U.S. and Europe ask either for a ''bad'' compromise in a headlamp, or the need for two different headlamp assemblies.

Bosch claims that full harmonization between U. S. and European-type headlamps will be possible, with implementation of its petition and the results of the visual aim rulemaking, and thus car manufacturers will be able to install the same type of headlamp on vehicles for both markets. Reduced tool and parts costs will be the result.

The agency has reviewed the claims associated with the petitioner's desired solution. It has found that full photometric harmonization of upper beam headlamp requirements already is possible without this requested action because headlamps designed above European minimum levels and below U.S. maximums are achievable. FMVSS No. 108 requires that upper beam headlamps have a minimum H–V axis intensity of 25,000 cd. to a maximum of 75,000 cd. for some lamps and 40,000 cd. to 75,000 cd. for others when measured at a test voltage of 12.8 Volts. The standard was last amended in 1978 when NHTSA increased the upper beam headlamp maximum allowed intensity from 37,500 cd. to 75,000 cd. NHTSA stated in that rulemaking action that its research has demonstrated that an increase in upper beam intensity to a maximum value of 75,000 cd. (150,000 cd. per vehicle) will enhance seeing ability without any significant increase in glare, but that photometric output exceeding 150,000 cd. results in only a marginal increase in visibility with an increase in glare. The agency has done no similar research work on upper beam headlamps since then nor is it aware of other safety research in this area. Bosch provided no such safety research data.

The agency did inquire as to how the Society of Automotive Engineers (SAE) justified the value it used in SAE J1735 JAN95 for maximum upper beam intensity. An obstacle detection rationale was used. The upper beam intensities which would be required to detect low (7%) luminance (reflectance) obstacles were defined by parametric extrapolations of data from different illumination studies. The light intensities calculated for alerting drivers to detect an obstacle within the potential stopping distance of their vehicle were found to be 243,000 to 284,000 cd. at 65 mph.

NHTSA observes, however, that there may be other criteria beside the ability to stop, for establishing requisite seeing distances, such as the ability to maneuver. The scope of the SAE investigation was limited only to stopping distance and glare was not studied. This justification is not comprehensive enough for NHTSA to reverse its previous decisions about the agency's upper beam intensity research.

Other Factors

In addition, other factors are present in the 18 years that have passed since NHTSA's statements on increased intensity upper beam headlamps. These factors influencing our decision for denial are:

1. State laws specify the distances from other vehicles when upper beam headlamps must be dimmed. These were set at a time when upper beam headlamps had 37,500 cd. maximums. With the doubling in 1978 of upper beam intensity and a redoubling that would result from this petition, the dimming distances to prevent blinding oncoming motorists may have to increase dramatically. Most states have 500 foot approaching, 200 foot following dimming distances. Because the illumination at the eye is proportional to the lamp's intensity and inversely proportional to the square of the distance, an estimate can be made for how dimming laws should be changed. If 500/200 feet were deemed to be acceptable for 37,500 cd. headlamps, then for the 75,000 cd. headlamps, the dimming distance should have been changed to 700/280 feet and for 140,000 cd. lamps the dimming distance should be changed to be 970/390 feet. Drivers of the new cars with such headlamps would have to be reeducated on this or states would have to change their laws. Either is problematic for NHTSA because we cannot compel states to change their laws.

2. The number of aging, glare sensitive U.S. drivers is at an all time high and increasing. This population complains that glare from existing headlamps and auxiliary lamps already is too high. This population is the most sensitive to glare and roadway illumination effects. Glare resistance reduces markedly as drivers age. According to research, the glare resistance of the human eye at age 72 is half as good as it is for age 20. Contrast sensitivity, an important factor in night vision, decreases markedly with age making targets more difficult to perceive. While having more intense upper beams may help older drivers see better, they will be blinded more often by other drivers who choose to use upper beams and do not dim them at greater distances.

3. The window of harmonization for upper beam headlamp intensity appears to be adequate. The European specification for upper beam intensity at the H–V point is 30,000 cd. minimum to 150,000 cd. maximum at 12.0 volts. When converted to testing at 12.8 volts