Furthermore, there is a wide variety of qualitative safety benefits which could be gained from prevention of accidents by using 2-way EOTs. These types of qualitative benefits would include risk reduction of accidents involving hazardous materials and the associated costs, as well as reduced anxiety for residents of communities along railroad tracks, a safer environment for their families, and improved quality of life. Unfortunately, we do not have the type of information necessary to quantify the safety impact of many of these elements.

(1) Are the assumptions used by FRA in its updated Regulatory Impact Analysis valid?

(2) What is the current purchase and installation cost of a 2-way EOT required by FRA's proposal?

(3) Are the estimated annual maintenance costs accurate?

(4) Is FRA's estimate of the number of units required to be purchased accurate? How many 2-way units are currently in operation? How many are currently on order with a manufacturer?

(5) What is the en route failure rate of 2-way devices currently in use?

(6) What is the average useful life of currently available 2-way EOTs? Front units? Rear units?

(7) What is the estimated cost per hour of delay for a given train?

(8) On average, how long does it take to calibrate newer (post-1992) 2-way EOTs?

(9) Should any of the accidents/incidents identified in Table 1 not be considered potentially preventable? Why? Are there other accidents/incidents, not identified in Table 1, occurring since 1990 that should be added to the list of potentially preventable accidents/incidents? Provide specifics.

(10) FRA's ability to analyze accident/incident costs contained in Table 1 has been limited to data supplied by the industry. This information does not include costs such as wreck clearance, damage to lading, train delay, emergency response, and environmental cleanup. Consequently, FRA encourages commenters to provide any suggestions or information they have for capturing, or estimating, these additional costs.

H. Compliance Plans

Unlike most FRA safety rulemaking proceedings, this proceeding is principally concerned with defining exceptions to an otherwise absolute statutory command. Thus, whatever the final rule may provide, railroads must plan well in advance of December 31, 1997 (the date by which the statute requires all covered trains to be equipped with 2-way EOTs) to procure large numbers of 2-way EOTs, equip their trains with them, and train their employees to install, maintain, and use them. FRA, therefore urges railroads to immediately begin acquiring and equipping trains with 2-way EOTs to enhance the safety of their operations rather than waiting until the issuance of the final rule. FRA is interested in knowing in the greatest detail available what plans railroads currently have in place for complying with the statute.

Issued in Washington, D.C., on February 15, 1996.

Jolene M. Molitoris,

Administrator.

[FR Doc. 96–4017 Filed 2–20–96; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–87; Notice 1]

RIN 2127–AF78

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 notice proposes amendments to Standard No. 108, the Federal motor vehicle standard on lighting, which would adopt new photometric requirements for motorcycle headlamps and which would improve the objectivity of the aiming of their upper beam. The new photometric requirements would be those of Society of Automotive Engineers (SAE) Standard J584 OCT93, added as a new Figure 31 to Standard No. 108. They would exist simultaneously with the current photometric requirements of SAE J584 April 1964, for a short time, and would become mandatory between two and four years after issuance of the final rule. When being tested for photometric compliance with Figure 31, the upper beam of motorcycle headlamps would be aimed photoelectrically rather than visually, as at present.

The amendments should enhance motor vehicle safety by improving visibility for the motorcycle operator, and detectability of his or her machine.

DATES: Comments are due April 22, 1996.

ADDRESSES: Comments should refer to Docket No. 95–87; Notice 1 and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m.

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

SUPPLEMENTARY INFORMATION: 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.

Motorcycle safety remains a principal concern of NHTSA. There are over 6 times as many motorcycles on the road today as there were 35 years ago. Figures from the National Center for Health Statistics (NCHS), Department of Health and Human Services, and State Accident Summaries show 574,000 registered motorcycles in 1960, as compared with 3,718,127 in 1994, according to the Fatal Accident Reporting System (FARS). During roughly the same period, the annual number of motorcycle fatalities increased slightly, from 2,170 in 1967, according to the NCHS, to 2,304 in 1994, as indicated in the FARS.

The Motorcycle Industry Council (MIC) has 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.

Although NHTSA has granted MIC's petition, SAE J584 OCT93 is inappropriate for incorporation in full because it divides motorcyles into classes and sets forth different specifications applicable to particular classes. In Standard No. 108, NHTSA regulates motorcycles as a single class, with some requirements applicable to a sub-category of smaller, less powerful machines called ''motor driven cycle''. Further, 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.

Upon review, NHTSA has tentatively concluded that adoption of the

photometric requirements in J584 OCT93 could enhance safety and lead to harmonization of motorcycle headlamp standards. Both the maxima and minima candela are increased in J584 OCT93. Further, specifications are added for 7 new test points on the lower beam (5 for motor driven cycles), and 7 on the upper beam (1 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, NHTSA has tentatively concluded that the new photometric requirements should become mandatory. 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 is 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 is uncertain as to the time needed for headlamp redesign. For this reason, it is proposing 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 requests comments on the appropriate lead time to make the proposed changes to motorcycle headlamp photometry. The final rule, of course, would establish a single date for mandatory compliance.

On its own accord, the agency reviewed the new and old SAE requirements to determine if there were other areas where motorcycle headlamp performance can 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 has tentatively concluded that a requirement for photoelectric aim of the upper beam will improve the objectivity of Standard No. 108, and assist manufacturers in their determinations of compliance for certification purposes. Therefore, it is proposing that this method of aiming be used in testing headlamps to the photometrics of Figure 31.

In summary, 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 in Standard No. 108. 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 proposes 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 will accomplish this purpose. Paragraphs S5.1.1.23, S5.1.1.24, and S5.6 (headlamp modulations systems) would become paragraphs S7.9.3, S7.9.5, and S7.9.4, respectively.

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 would 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 is asking for comments on the costs and other impacts associated with a two to four-year leadtime for mandatory compliance with a final rule. If the comments received indicate that the impacts are more than minimal, NHTSA will prepare a full regulatory evaluation before issuing a 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 a final rule based on this proposal would have a significant effect upon the environment. The composition of motorcycle headlamps would 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 would 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 would 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

A final rule based on this proposal would 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.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A

request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, 49 CFR Part 571 would be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 would continue 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 would be 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. adding new paragraphs S7.9, S7.9.1 through S7.9.4, S7.9.4.1, S7.9.4.2, and S7.9.5;

c. adding in numerical order Figure 31; and

d. 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]

* * * * *

S7 *Headlighting requirements.*

* * * * *

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 [the date specified in S7.9.2] 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 31 of this section and the upper beam aimability specifications of paragraph S7.9.3 of this section; or

(b) One half of any headlighting system specified in S7.1 through S7.6 of this section which provides both a full upper beam and full lower beam, and 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 [the effective date that will be two to four years after the publication of the final rule], 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 31 of this section and the upper beam aimability specifications of paragraph S7.9.3 of this section; or

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

S7.9.3 The upper beam of a multiple beam headlamp designed to conform to the photometric requirements of Figure 31 of this section 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 of this section.

(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) of this section 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) of this section and that is equipped with a light source other than a replaceable light source meeting the requirements of paragraph S7.7 of this section, shall

have the word ''motorcycle'' permanently marked on the lens in characters not less than 0.114 in. (3 mm) in height.

* * * * *

FIGURE 31–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.

Test points (deg.)		Motorcycle (candela)	Motor-driven cycle (candela)
Up or down	Left or right		
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	0.0R9	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.

* * * * *

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 (mm) 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: February 5, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–2742 Filed 2–20–96; 8:45 am]

BILLING CODE 4910–59–P