providing investment management services for securities.

Federal Communications Commission.

William F. Caton,

Acting Secretary. [FR Doc. 95–1948 Filed 1–26–95; 8:45 am] BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 90-01; Notice 5]

RIN 2127-AF32

Federal Motor Vehicle Safety Standards; School Bus Pedestrian Safety Devices

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

SUMMARY: This notice adopts as final the amendments made by an interim final rule to the flash rate requirement for stop signal arm lamps in Standard No. 131, School Bus Pedestrian Safety Devices. The interim final rule, which responded to a petition for rulemaking submitted by Blue Bird Bus Company, removed design restrictive language that had the effect of prohibiting strobe lamps on stop signal arms.

DATES: Effective Date: January 27, 1995. Petitions for reconsideration: Any

petition for reconsideration of this rule must be received by the agency not later than February 27, 1995.

ADDRESSES: Petitions for reconsideration should refer to Docket No. 90–01; Notice 5 and be submitted to the following: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hott, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202) 366–0247.

SUPPLEMENTARY INFORMATION:

I. Background

Federal motor vehicle safety standard (FMVSS) No. 131, School Bus Pedestrian Safety Devices, requires each new school bus to be equipped with a stop signal arm. A stop signal arm is an item of school bus equipment designed to alert motorists that a school bus is stopping or has stopped. The stop signal arm is patterned after a conventional "STOP" sign and attached to the exterior of the driver's side of a school bus. When the school bus stops, the stop signal arm automatically extends outward from the bus. The standard specifies requirements for the stop signal arm's appearance, size, conspicuity, operation and location. To enhance the conspicuity of a stop signal arm, Standard No. 131 specifies that the device must be either reflectorized or be illuminated with flashing lamps.

On February 22, 1994, Blue Bird Body Company (Blue Bird) petitioned the agency to amend the flash rate requirements in S6.2.2 of Standard No. 131 to allow the use of strobe lamps on stop signal arms. At the time, S6.2.2 stated:

S6.2.2 *Flash Rate.* The lamps on each side of the stop signal arm, when operated at the manufacturer's design load, shall flash at a rate of 60 to 120 flashes per minute with a current "on" time of 30 to 75 percent. The total of the percent current "on" time for the two terminals shall be between 90 and 110.

Blue Bird argued that the requirement had the effect of prohibiting the use of strobe lamps. Citing previous agency notices, Blue Bird stated its belief that NHTSA had not intended, in issuing its stop signal arm requirements, to prohibit the use of strobe lamps on stop signal arms. For instance, it stated that, in the advance notice of proposed rulemaking (ANPRM), the agency had solicited comments about whether the agency should require strobe lamps.¹

According to Blue Bird, its petition was precipitated by a letter that it received from NHTSA's Office of Vehicle Safety Compliance addressing an apparent non-compliance of school buses manufactured with stop signal arms equipped with strobe lamps. Blue Bird stated that the apparent noncompliance results from the fact that S6.2.2 sets forth restrictive design requirements based on the operating characteristics of incandescent lamps instead of more performance-oriented requirements based on visual effectiveness. The petitioner alleged that the requirement prevents the use of strobe lamps. Based on these allegations, Blue Bird stated that the apparent noncompliance results from a deficiency in the Standard and not a deficiency in its school buses. Blue Bird requested that the agency amend S6.2.2 to allow the use of strobe lamps, stating that this would be in the interests of

safety and consistent with the Standard's intent.

Blue Bird also stated that four states (Alaska, New Mexico, Washington, and West Virginia) as well as some local school districts require stop signal arms to be equipped with strobe lamps. This consideration prompted Blue Bird to request that this rulemaking take effect immediately, claiming that the production and delivery of school buses with strobe lamp equipped stop signal arms needed to continue without disruption.

On May 24, 1994, NHTSA published an interim final rule that amended the flash rate requirements to remove design restrictive language that acted to prohibit strobe lamps (59 FR 26759). The agency explained that, in establishing the flash rate requirements, the agency intended to assure the conspicuity of stop signal arms and did not intend to prohibit manufacturers from installing strobe lamps on stop signal arms to provide such conspicuity. The requirements in effect prior to the interim final rule were based upon filament type lamps, which need an extended current-on-time of 90 to 110 percent of the total flash cycle for the two terminals. This time period is needed to allow this type of lamp to come to full brilliance. In contrast, strobe lamps come to full brilliance almost immediately and could not meet the current-on-time requirements for filament type lamps. The interim final rule resolved this problem by modifying the flash rate requirements to reflect changes made to the Society of Automotive Engineers (SAE's) Recommended Practice J1133, July 1989, School Bus Stop Arms, to allow the use of strobe lights on stop arms.

NHTSA received comments about the interim final rule from the National School Transportation Association (NSTA) and Specialty Manufacturing Company (Specialty) which manufactures stop signal arms. NSTA stated that the interim final rule should be made permanent.

Specialty also stated that the interim final rule should be made permanent, provided that the agency adopts an industry practice which treats a double flash strobe pattern to be a single flash cycle. It explained that both single and double flash strobe lamps are available, but that the secondary flash of a double strobe pattern will occur approximately 0.17 seconds after the initial flash. According to the commenter, the industry considers this double flash pattern to be a single flash since they occur in rapid succession.

NHTSA agrees with Specialty that multiple flash patterns that occur

¹ The agency notes that there was no ANPRM addressing stop signal arms. The discussion described by Blue Bird was contained in the NPRM (55 FR 3624, February 2, 1990).