

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 95-18; DA 95-426]

Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: By this order, the Chief, Office of Engineering and Technology, extends the deadline for filing comments in response to the Notice of Proposed Rule Making in this proceeding on allocation of spectrum at 2 GHz for use by the Mobile-Satellite Service. This Order grants the petition of the American Mobile Satellite Corporation for an extension of the deadline for comments. The petitioner and commenters argue that preparations under way for the 1995 World Radiocommunications Conference and meetings being held among members of the Mobile-Satellite Service, broadcasting, microwave and private radio communities will produce information pertinent to this proceeding, and request the extension in order to integrate this information into their comments. Although Commission policy not to routinely grant petitions for extension of time, we agree that this information will allow us to make better informed decisions, and that the requested extension is in the public interest. We therefore find good cause has been shown for extension of the comment period, and order that the comment deadline in this proceeding is extended from March 9, 1995, to May 5, 1995; and that the reply comment deadline is extended from March 27, 1995, to June 6, 1995.

DATES: Comments are due May 5, 1995. Reply comments are due June 6, 1995.

FOR FURTHER INFORMATION CONTACT: Sean White, Office of Engineering and Technology, (202) 776-1624.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service.

[ET Docket No. 95-18 RM-7927]

Order Granting Request to Defer Comment Dates

Adopted: March 3, 1995.
Released: March 8, 1995.

By the Office of Engineering and Technology.

1. On February 22, 1995, the American Mobile Satellite Corporation (AMSC) petitioned the Commission to extend the pleading cycle for comments to the Notice of Proposed Rule Making in the above-captioned proceeding, ET Docket No. 95-18, FCC 95-39, released January 31, 1995 (60 FR 11644, March 2, 1995). AMSC requests an extension for comments from March 9, 1995 to May 5, 1995; and for reply comments from March 27, 1995 to June 6, 1995.

2. AMSC, one of the original petitioners in this proceeding, observes that preparations for the 1995 Worldwide Radiocommunications Conference (WRC-95) are well under way, and that many of the entities likely to comment in this proceeding are part of the Industry Advisory Committee to the WRC-95 Conference Preparation Meeting (CPM), to be held March 22-April 5, 1995, in Geneva. The CPM will consider, *inter alia*, technical studies pertaining to sharing of the 2 GHz band between mobile-satellite and terrestrial users.¹ In supporting comments, COMSAT Corporation (COMSAT) states that meetings are currently ongoing between the mobile-satellite community and the broadcasting and microwave communities to evaluate the possibility of satellite-terrestrial sharing in this band and to consider issues relating to a possible relocation of current broadcast and microwave licensees in the band. COMSAT will use data developed in this process to conduct computer simulations of potential mutual interference between Mobile-Satellite Service (MSS) and terrestrial users.² AMSC and COMSAT also point out that the staffs of many entities likely to comment in this proceeding are intensely preparing for WRC-95 and other international meetings, including drafting reply comments to the Commission's Notice of Inquiry in preparation for WRC-95, IC Docket No. 94-31, FCC 95-36, 60 FR 8994, February 16, 1995.³ AMSC argues that extending the comment and reply comment periods will allow commenters to gather more information and take more time and care in preparing complete and precise comments, which will provide us with more complete information upon which to base our decisions in this proceeding. In addition to COMSAT, TRW Inc. and Motorola Satellite Communications, Inc. filed comments in support of AMSC's

¹ See AMSC, Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 22, 1995).

² See COMSAT, Comments on Motion for Extension of Time, ET Docket No. 95-18 at 1-2 (February 27, 1995).

³ See AMSC Motion at 2. COMSAT Comments at 2.

petition.⁴ The National Association of Broadcasters has stated that it has no objection to extending the comment periods.⁵

3. Celsat, Inc. (Celsat), another petitioner in this proceeding, opposes AMSC's petition for extension of time. Celsat argues that most of the frequencies at issue in this proceeding were allocated for MSS use at the 1992 World Administrative Radio Conference, and it is therefore unnecessary to wait for WRC-95 or its preparatory meetings to make this allocation. Further, adds Celsat, the WRC-95 CPM will primarily involve technical, regulatory and procedural constraints associated with additional MSS allocations in the 1-3 GHz bands, and this allocation is not an issue at that meeting.⁶ Celsat also contends that the meetings between the MSS community and broadcasting and microwave licensees are preliminary in nature, and provide no basis for delaying this proceeding.⁷ Celsat argues that we have recognized that it is in the public interest to expeditiously implement and license MSS, and we should therefore not delay this proceeding.⁸

4. Although the Commission does not routinely grant extensions of time,⁹ we agree with AMSC and supporting commenters that the public interest would be better served if we permit additional time for submitting comments in this proceeding. Not only would an extension provide additional time for gathering and evaluating data on MSS-terrestrial sharing in the proposed allocation, but meetings between the MSS community and the incumbents of the candidate band will be helpful in establishing a sharing and relocation regime acceptable to all affected parties. We find that comments informed by the results of WRC-95 preparations and industry consultation will allow the Commission to make better decisions than would be possible without this information. The two-month delay in this proceeding is justified by the quantity and quality of information we will have as a result. On balance, we find that the public interest would best be served by granting the

⁴ Letter from N. Leventhal, Leventhal, Senter & Lerman to W. Caton, Federal Communications Commission, February 27, 1995; Motorola, Comments in Support of Motion for Extension of Time (February 27, 1995).

⁵ See National Association of Broadcasters *et al.*, No Objection to Motion for Extension of Time, ET Docket No. 95-18 (February 28, 1995).

⁶ See Celsat, Inc., Opposition to Motion for Extension of Time, ET Docket No. 95-18 at 3-4 (February 27, 1995).

⁷ See *Id.* at 4.

⁸ See *Id.* at 4-5.

⁹ See 47 CFR 1.46(a).

extension. Accordingly, for good cause shown, *it is ordered* That the date for filing comments in this matter is extended to May 5, 1995, and the date for filing reply comments is extended to June 6, 1995.

5. This action is taken pursuant to authority found in Sections 4 (i), 302 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303; and pursuant to Sections 0.31 and 1.46 of the Commission's Rules, 47 CFR 0.31, 1.46. For further information contact Sean White, Office of Engineering and Technology, (202) 776-1624.

Federal Communications Commission.

Bruce A. Franca,

Deputy Chief, Office of Engineering and Technology.

[FR Doc. 95-6215 Filed 3-13-95; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-13, Notice 01]

RIN 2127-AF28

Federal Motor Vehicle Safety Standards; Glazing Materials

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

ACTION: Grant of petition for rulemaking; notice of proposed rulemaking (NPRM).

SUMMARY: NHTSA proposes to permit the installation of a new item of motor vehicle glazing, Item 4A—Rigid Plastic for Use in Side Windows Rearward of the "C" Pillar, in hatchbacks and station wagons. This NPRM responds to a petition for rulemaking from General Motors. In issuing this proposal, the agency seeks to provide greater flexibility for manufacturers to develop and use more aerodynamic, lighter weight glazing designs, resulting in lower fuel consumption.

DATES: Comments must be received on or before May 15, 1995.

ADDRESSES: All comments must refer to the docket number and notice number of this notice and be submitted, preferably in ten copies, to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 am to 4 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret Gill, Office of Vehicle Safety

Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gill's telephone number is: (202) 366-6651.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials (49 CFR 571.205), specifies performance requirements for the types of glazing that may be installed in motor vehicles. It also specifies the vehicle locations in which the various types of glazing may be installed. The standard incorporates, by reference, American National Standards Institute (ANSI) Standard Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," as amended through 1980 (Z26). The requirements in ANSI Z26.1 are specified in terms of performance tests that the various types or "items" of glazing must pass. There are 20 "items" of glazing for which requirements are currently specified in Standard No. 205.

To ensure the safety performance of vehicle glazing, Standard No. 205 includes a total of 31 specific tests. Each item of glazing is subjected to a selected group of these tests. It is the particular combination of tests that dictates the requisite properties of a particular item of glazing, and where in a motor vehicle the glazing may be installed.

Rigid plastic materials, such as those referenced in this rulemaking, are considered to be Items 4 and 5 glazing. Since they are more susceptible to abrasion than glass, these materials are currently not permitted to be installed in those areas requisite for driving visibility. All windows in a passenger car are considered requisite for driving visibility. Therefore, Items 4 and 5 glazing may not be used in those windows. Instead, they may be used for such things as internal partitions and covers for openings in the car roof. More extensive use is permitted in trucks (e.g., pickup trucks and cargo vans) since they do not have designated seating positions rearward of the driver's position. In those vehicles, Items 4 and 5 may be used in windows to the rear of the driver if other means for affording visibility are provided.

GM Petition

By letter dated December 15, 1993, General Motors (GM) petitioned the agency to amend Standard No. 205 to relax the limitations on the installation of Items 4 and 5 rigid plastic glazing so that they can be installed in the side windows of station wagons and

hatchbacks to the rear of all designated seating positions. GM subsequently amended its petition, limiting it to Item 4 glazing. (Item 4 glazing is required to transmit at least 70 percent of the light striking it; Item 5 glazing has no such requirement.) GM suggested further that Item 4 glazing be used in only those station wagons and hatchbacks that provide means (e.g., exterior passenger-side mirrors) of affording visibility of the highway to the side and rear of the vehicle. The limitation of the installation to locations rearward of any designated seating position and to vehicles with exterior passenger side rearview mirrors was intended to address agency concerns that led to the denial of an earlier, somewhat similar petition by the American Automobile Manufacturers' Association (AAMA) (April 6, 1993; 58 FR 17787). AAMA's petition is discussed in detail later in this notice.

In support of its petition, GM stated that the potential benefits of permitting plastic glazing in side windows would be reduced mass and greater design flexibility. GM asserted that the weight of plastics used in automotive glazing is about half that of tempered glass of the same thickness. GM further asserted plastics, while retaining good optical quality, can be molded into more complex shapes than glass. GM concluded that the combined effect of the more aerodynamic designs possible with plastic glazing and the reduced weight will lower a vehicle's fuel consumption.

GM acknowledged that Tests 17, Abrasion Resistance (Plastics), and 18, Abrasion Resistance (Safety Glass), of ANSI Z26 indicate that plastics are not as abrasion resistant as glass. However, GM suggested that concerns about the abrasion resistance of plastic glazing may not be well founded, asserting that some evidence shows that Tests 17 and 18 "are not necessarily predictive" of how glazing will perform under actual use conditions. In support of its assertion, GM attached a summary of a study performed by a plastics supplier on a 1988 GM Pontiac Fiero GT sail panel. The sail panel extends rearward from a position between the rearmost side window and the rear or back window. The panel was made of abrasion-resistant coated Plexiglas Resin. GM stated that in the study the haze of a six year old sail panel was measured and compared to the haze of a new replacement part. GM concluded that after six years, during which time the Fiero was driven over 41,000 miles, "the haze increased from 0.49% to 0.87%, a difference of only 0.38%."