

**Authority:** 49 U.S.C. 322, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.22(c) is revised to read as follows:

**§ 1.22 Structure.**

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(c) *Office of the Assistant Secretary for Aviation and International Affairs.* This Office is composed of the Offices of Aviation International Economics; International Transportation and Trade; International Aviation; and Aviation Analysis.

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3. Section 1.45 is amended by adding paragraph (a)(18) to read as follows:

**§ 1.45 Delegations to all Administrators.**

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(18) Exercise the authority vested in the Secretary by Section 329A of the Department of Transportation and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-331, § 329A, 108 Stat. 2471, 2493 (September 30, 1994), to enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of state or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, Pub. L. No. 102-484, 106 Stat. 2658 (October 23, 1992), and related legislation.

Issued at Washington, DC, this 16th day of February 1995.

**Federico Peña,**

*Secretary of Transportation.*

[FR Doc. 95-6522 Filed 3-15-95; 8:45 am]

BILLING CODE 4910-62-P

**National Highway Traffic Safety Administration**

**49 CFR Part 564**

RIN 2127-AF07

[Docket No. 85-15; Notice 15]

**Replaceable Light Source Information**

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

**ACTION:** Response to petitions for reconsideration; final rule.

**SUMMARY:** This notice responds to petitions for reconsideration of the final rule, published on January 12, 1993, that requires the manufacturers of replaceable light sources for headlamps to file dimensional and other information with NHTSA in a public

docket pursuant to 49 CFR part 564, *Replaceable Light Source Information*. Part 564, which currently allows light source manufacturers to file information in the part 564 Docket, is amended to allow vehicle and headlamp manufacturers also to file information in the docket. This notice also amends part 564 to allow changes to be made in light source information previously submitted. Under the amendment, NHTSA will accept a submission for change if the submitter includes a statement that substitution of a modified bulb to replace an unmodified one will not create a noncompliance of that headlamp with Standard No. 108, and submits reasons in support of the statement. In order to evaluate the reasons, NHTSA may publish a **Federal Register** notice seeking comment. The acceptance of a modified light source will have no effect upon the permissibility to continue the manufacture and use of the original light source.

**DATES:** The amendments are effective April 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kenneth O. Hardie, Office of Rulemaking, NHTSA (202-366-6987).

**SUPPLEMENTARY INFORMATION:** On January 12, 1993, NHTSA published a final rule adopting 49 CFR part 564 *Replaceable Light Source Information*, as a repository for information on new types of replaceable light sources for headlamps (58 FR 3856). Later, the part 564 Docket was designated Docket 93-11 (58 FR 15132).

Paragraph 564.5(a) provides that "each manufacturer of a replaceable light source used as original equipment on a motor vehicle" (other than the existing HB Types of Standard No. 108) shall furnish certain information on new light source types to Docket 93-11. In addition, the preamble made clear (at 3857) that "[a]fter information has been accepted for filing, no changes in it will be permitted" (paragraph 564.5(c)).

Petitions for reconsideration of part 564 were filed by the American Automobile Manufacturers Association (AAMA) and Ford Motor Company (Ford). Petitioners objected to the restrictions in paragraph 564.5 that do not allow headlamp and vehicle manufacturers to make submissions to Docket 93-11, or changes in information previously submitted.

Specifically, AAMA, supported by Ford, argued that the restriction of the ability to file information regarding new light sources to manufacturers of the sources would be inappropriate in some instances, and that users of light sources (manufacturers of headlamps and

vehicles) should also have the right to submit information on new ones. NHTSA, in establishing the restriction, believed that the light source manufacturer would be the entity best able to file information on its product. However, the replaceable light sources presently permitted were added pursuant to petitions submitted by vehicle manufacturers. Types HB1 and HB5 originated in petitions submitted by Ford, Type HB2 in a petition by Volkswagen, and Types HB3 and 4 in a petition from General Motors. An amendment that would allow manufacturers of motor vehicles to submit light source information would afford greater flexibility and appear to have no negative safety consequences. For the same reasons, NHTSA believes that manufacturers of replaceable bulb headlamps used as original equipment should also be permitted the opportunity to submit information to Docket No 93-11. Accordingly, the agency grants petitions for reconsideration of this issue and is amending part 564 appropriately.

AAMA and Ford also argued for the right to petition for revision of specifications for existing light sources in Docket No. 93-11. Currently, such revision is impermissible.

A manufacturer wishing to implement lighting improvements must instead incorporate the improvements in a new light source that is not interchangeable with any existing light source. AAMA stated that reasonable flexibility could be introduced into part 564, while addressing the issue of potential effects on the performance of lights on vehicles in service, by providing for public review and comment on any proposed revisions to part 564 light sources. It suggested that NHTSA establish a procedure similar to the rulemaking process involved in making specification changes in Standard No. 108 to HB Type light sources. This would allow users such as headlamp and vehicle manufacturers an opportunity to evaluate the effects on their products of any proposed revisions to light sources. In the absence of such a process, according to AAMA, the docket could become laden with light source types that may never be manufactured because of errors in initial specifications or because the light source designs have been replaced by a photometrically equivalent but improved version of the light source, such as one with longer life. Without permission to make changes in specifications, the improved light sources would have to be non-interchangeable with any other light source type in Docket No. 93-11.

Owners of vehicles whose headlamps have the original light source would therefore not be able to avail themselves of the improvement. Ford supported AAMA on this issue.

NHTSA has carefully considered these views. The agency's intent in establishing a docket for the receipt of information was to remove specifications for replaceable light sources from the direct control of Standard No. 108, that is to say, to relieve all specifications from regulation except for the interchangeability feature. The necessity to petition for rulemaking to amend Standard No. 108 and the time that is required to implement a change through the mechanism of a comment notice and final rule is costly and time-consuming for both industry and government. AAMA's request is for a substitute comment and decision process, which, in NHTSA's view, would largely negate the regulatory simplicity it envisioned when it established part 564.

Nevertheless, the agency realizes that manufacturers should not be discouraged and foreclosed from making changes or incremental improvements or changes in previously submitted designs that may enhance the performance of the light source. Under part 564, changes are presently permissible in replaceable light sources as long as they do not affect the specifications that have been filed or that are reflected in their respective Figures in Standard No. 108. For example, longer-life versions of Type HB1 are now available without the necessity of amending the specifications for Type HB1 light sources to accomplish this. Although there were no comments on the categories of specifications proposed for part 564 submissions during the rulemaking period, NHTSA would also like to point out that the part 564 categories themselves may be changed or deleted through the rulemaking process.

However, there may be changes that industry desires which would affect the specifications on file, and which a manufacturer desires to implement without affecting interchangeability. As the petitioners correctly state, this type of submission presently cannot be accepted under paragraph 564.5(c). NHTSA has decided to grant the petitions for reconsideration of this point, and to allow such submissions. After careful consideration of the matter, the agency finds that it has only one concern directly related to safety: will the modifications requested result in a light source that will create a noncompliance with Standard No. 108 when it is substituted for the original

light source used in a complying headlamp. If the answer is yes, the request for change will not be accepted until the petitioner modifies the design so that it is not interchangeable with any existing one for which information has been filed in Docket No. 93-11.

To ensure that a petitioner has considered the safety implications of its request, NHTSA will require that each request for changes be accompanied by the petitioner's statement that use of a modified light source will not create a noncompliance with Standard No. 108 when used to replace the unmodified light source that was used in a headlamp originally certified to comply with Standard No. 108, and reasons to substantiate the statement. In evaluating the conformance statement and supporting reasons, NHTSA may request further information from the manufacturer or from the public. If the information available indicates that the requested change is unlikely to create a noncompliance, the request will be granted and placed in Docket No. 93-11 where it may be employed as a light source acceptable either as original equipment or as replacement for the unmodified light source theretofore used as original equipment. Because some manufacturers may wish to continue the production and use of the unmodified light source, for cost or other reasons, NHTSA will not remove the original submission from Docket No. 93-11, and the unmodified light source may continue to be manufactured as original and replacement equipment.

Finally, heretofore paragraph 564.5(d) has committed NHTSA to making light source information in Docket No. 93-11 available for public inspection not later than the date on which a vehicle equipped with a new light source is offered for sale. NHTSA is amending this provision (now paragraph 564.5(e)) to add the alternative "or as soon as practicable after receipt" which could occur before the date that the vehicle is offered for sale.

#### Rulemaking Analyses and Notices

*Executive Order 12866 and DOT Regulatory Policies and Procedures.* This notice was not reviewed under Executive Order 12866. It has been determined that the rulemaking is not significant under Department of Transportation regulatory policies and procedures. Implementation of this rule will remove a burden on manufacturers who heretofore have not been permitted to file information in part 564, and it will permit requests for changes in information previously filed. The impact of this rule are so minimal that

preparation of a full regulatory evaluation is not warranted.

*National Environmental Policy Act.* NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. It is not anticipated that the rule will have a significant effect upon the environment simply because additional persons may now make submissions to Docket No. 93-11, or that requests for changes may be made in previous submissions.

*Regulatory Flexibility Act.* The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. Based on the discussion above, I certify that this rule will not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles, headlamps, and light sources, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions will not be significantly affected by these minor amendments as the cost of light sources is relatively small and will not be substantially affected.

*Executive Order 12612 (Federalism).* This rule has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*Paperwork Reduction Act.* The reporting and recordkeeping requirement associated with this rule has been approved by the Office of Management and Budget in accordance with 44 U.S.C. chapter 35. The OMB control number is 2127-0563.

*Civil Justice Reform (Executive Order 12778).* This final rule does 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. Under 49 U.S.C. 30161, a procedure is set forth 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.

#### List of Subjects in 49 CFR Part 564

Motor vehicle safety, Motor vehicles.

**PART 564—REPLACEABLE LIGHT SOURCE INFORMATION**

In consideration of the foregoing, 49 CFR part 564 is amended as follows:

1. The authority citation for part 564 is revised to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

2. Part 564 is amended by revising paragraphs 564.1, 564.2, 564.3, and 564.5 to read as follows:

**§ 564.1 Scope.**

This part requires the submission of dimensional, electrical specification, and marking/designation information, as specified in Appendix A of this part, for original equipment replaceable light sources used in motor vehicle headlighting systems.

**§ 564.2 Purposes.**

The purposes of this part are:

(a) to make available to replacement light source manufacturers the manufacturing specifications of original equipment replaceable light sources, thereby ensuring that replacement light sources are interchangeable with original equipment light sources and provide equivalent performance; and

(b) to ensure that newly developed replaceable light sources are designated as distinct and different from, and are noninterchangeable with, previously existing light sources.

**§ 564.3 Applicability.**

This part applies to replaceable light sources used as original equipment in motor vehicle headlighting systems.

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**§ 564.5 Information filing; agency processing of filings.**

(a) Each manufacturer of a motor vehicle, original equipment headlamp, or original equipment headlamp replaceable light source, which intends to manufacture a replaceable light source as original equipment or to incorporate a replaceable light source in its headlamps or motor vehicles, other than a replaceable light source meeting the requirements of subparagraphs (a) through (e) of paragraph S7.7 of section 571.108 of this part, shall furnish the information specified in Appendix A of this part to: Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Attn: *Replaceable Light Source Information* Docket No. 93-11 (unless the agency has already filed such information in Docket No. 93-11).

(b) The manufacturer shall submit the information specified in Appendix A of

this part not later than 60 days before it intends to begin the manufacture of the replaceable light source to which the information applies, or to incorporate the light source into a headlamp or motor vehicle of its manufacture. Each submission shall consist of one original set of information and 10 legible reproduced copies, all on 8½ by 11-inch paper.

(c) The Associate Administrator promptly reviews each submission and informs the manufacturer not later than 30 days after its receipt whether the submission has been accepted. Upon acceptance, the Associate Administrator files the information in Docket No. 93-11. The Associate Administrator does not accept any submission that does not contain all the information specified in Appendix A of this part, or whose accompanying information indicates that any new light source which is the subject of a submission is interchangeable with any replaceable light source specified in paragraph S7.7 of section 571.108 of this part, or for which the agency has previously filed information in Docket No. 93-11.

(d) A manufacturer may request modification of a light source for which information has previously been filed in Docket No. 93-11, and the submission shall be processed in the manner provided by paragraph 564.5(c). A request for modification shall contain the following:

(1) All the information specified in Appendix A of this part that is relevant to the modification requested,

(2) The reason for the requested modification,

(3) A statement that use of the light source as modified will not create a noncompliance with any requirement of Motor Vehicle Safety Standard No. 108 (49 CFR 571.108) when used to replace an unmodified light source in a headlamp certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards, together with reasons in support of the statement; and

(4) Information demonstrating that the modification would not adversely affect interchangeability with the original light source.

After review of the request for modification, the Associate Administrator may seek further information either from the manufacturer or through a notice published in the **Federal Register** requesting comment on whether a modified light source incorporating the changes requested will create a noncompliance with Motor Vehicle Safety Standard No. 108 when substituted for an unmodified light

source. If the Associate Administrator seeks comment public comment on a submission, (s)he shall publish a further notice stating whether (s)he has accepted or rejected the submission. If a submission is accepted, the Associate Administrator files the information in Docket No. 93-11. If a submission is rejected, a manufacturer may submit information with respect to it, as provided in paragraph 564.5(a), for consideration as a new light source after such changes as will ensure that it is not interchangeable with the light source for which modification was originally requested.

(e) Information submitted under this section is made available by NHTSA for public inspection as soon as practicable after its receipt, but not later than the date on which a vehicle equipped with a new or revised replaceable light source is offered for sale.

Issued on: March 9, 1995.

**Ricardo Martinez,**  
*Administrator.*

[FR Doc. 95-6378 Filed 3-15-95; 8:45 am]

BILLING CODE 4910-59-P

**49 CFR Part 583**

[Docket No. 92-64; Notice 06]

RIN 2127-AF60

**Motor Vehicle Content Labeling**

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

**ACTION:** Final Rule; Partial Response to Petitions for Reconsideration.

**SUMMARY:** The American Automobile Labeling Act requires passenger cars and other light vehicles to be labeled with information about their domestic and foreign parts content. This document provides a partial response to several petitions for reconsideration of the agency's July 1994 final rule implementing that statute. NHTSA is extending by one year a temporary compliance alternative for how manufacturers and suppliers may make content calculations.

**DATES:** This regulation is effective April 17, 1995. Petitions for reconsideration must be received not later than April 17, 1995.

**ADDRESSES:** Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Orron Kee, Office of Market Incentives, National Highway Safety