

each vessel from the time the vessel breaks off from the parade until it is safely moored. No vessel will be permitted to enter or move within these safety zones unless authorized by the Captain of the Port, New York.

This regulation is needed to protect the maritime public from possible hazards to navigation associated with a parade of naval vessels transiting the waters of New York Harbor in close proximity. These vessels have limited maneuverability and require a clear traffic lane in order to safely navigate.

#### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This moving safety zone would prevent vessels from transiting portions of the Port of New York and New Jersey from 8:45 a.m. until 3 p.m. on Wednesday, May 24, 1995, unless extended or terminated sooner by the Coast Guard Captain of the Port, New York. Although there is a regular flow of traffic through this area, there is not likely to be a significant impact on recreational or commercial traffic for several reasons. Due to the moving nature of the safety zone, no single location would be affected for a prolonged period of time which in turn should not significantly delay commercial traffic. Additionally, recreational traffic can transit the river on either side of the safety zone.

Alternate routes are also available to commercial and recreational vessels traffic that can safely transit the Harlem and East Rivers, Kill Van Kull, Arthur Kill, and Buttermilk Channel. Similar safety zones have been established for the last few Fleet Week parades of ships with minimal or no disruption to vessel traffic or other interests in the port. In addition extensive, advance advisories will be made to the maritime community so that they can adjust their plans accordingly. For all the above reasons, the Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons given in the Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

#### Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is included in the docket.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

#### Proposed Regulations

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A temporary section, 165.T01-014 is added to read as follows:

#### § 165.T01-041 Parade of Ships, Fleet Week '95, Port of New York and New Jersey.

(a) *Location* This moving safety zone includes all waters within 500 yards forward of the lead parade vessel, 500 yards aft of the last parade vessel, and 200 yards on each side of the designated column as it transits north from the Verrazano Narrows Bridge to the waters west of the 79th Street Boat Basin, Manhattan, in the Hudson River. The moving safety zone continues to include 200 yards around each vessel as it breaks from the parade formation and transits southbound in the Hudson River until safety berthed.

(b) *Effective period* This section is effective from 8:45 a.m. until 3 p.m. on May 24, 1995, unless extended or terminated sooner by the Captain of the Port, New York.

#### (c) Regulations.

(1) The general regulations contained in 33 C.F.R. 165.23 apply to this safety zone.

(2) All persons and vessels shall comply with the instructions on of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: March 9, 1995.

**T.H. Gilmour,**

*Captain, U.S. Coast Guard, Captain of the Port, New York.*

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#### National Highway Traffic Safety Administration

#### 49 CFR Parts 564 and 571

[Docket No. 85-15; Notice 16]

RIN 2127-AF62

#### Replaceable Light Source Information 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 the Federal motor vehicle standard on lighting to facilitate the transfer by NHTSA of all dimensional and specification information on HB Type replaceable light sources for headlamps to Docket No. 93-11. This docket has been

established as the information docket specified in part 564 for replaceable light source information. This regulatory action is intended to simplify Standard No. 108 while ensuring consistent regulatory treatment of all headlamp replaceable light sources. The notice also proposes conforming amendments to part 564.

**DATES:** The due date for comments is May 15, 1995. The amendments would be effective 30 days after publication of the final rule in the **Federal Register**.

**ADDRESSES:** Comments should refer to the docket number and notice number, 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 p.m.)

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

**SUPPLEMENTARY INFORMATION:** For many years, Motor Vehicle Safety Standard No. 108 allowed headlamps only of sealed beam construction and ones whose design dimensions were rigidly specified in the standard. In 1983, Standard No. 108 was amended to permit headlamps of non-sealed construction, equipped with a replaceable light source. With this amendment, the dimensions of the headlamp were no longer subject to Federal specification. Instead, to ensure repeatability of performance and ease of replaceability in the aftermarket, NHTSA adopted standardized dimensional restrictions for the light source itself. Each light source was given a distinctive HB Type designation. Today, Standard No. 108 incorporates five different types of replaceable light sources known as Types HB1 through HB5.

Each one of these light sources has been added to Standard No. 108 through rulemaking procedures that conform to the Administrative Procedure Act, that is to say, after an opportunity has been provided for notice and comment. This process is time consuming and has not afforded flexibility to NHTSA in accommodating manufacturers who wish to introduce new light sources in a more timely and predictable manner. In the late 1980's, NHTSA decided that the regulatory process might be made less cumbersome by establishing a docket in which manufacturers of new replaceable light sources could submit appropriate dimensional and other information which would require nothing more than acceptance by NHTSA before the new light sources could be used in headlamps (subject to the requirements, of course, that headlamps incorporating the new light

sources meet the performance requirements of Standard No. 108, and that the light sources conform to the information listed for them).

Pursuant to this decision and with appropriate notices published in the **Federal Register**, on January 12, 1993, NHTSA established part 564 *Replaceable Light Source Information* (58 FR 3856). At that time, rulemaking was in progress to add a Type HB6 to Standard No. 108. However, with the advent of part 564, NHTSA decided to terminate rulemaking to adopt a Type HB6 on March 10, 1993, and to file the relevant information under part 564 (58 FR 13243). On March 19, 1993, the information docket was designated Docket No. 93-11 (58 FR 15132). Concurrently with this notice, NHTSA is responding to petitions for reconsideration of the January 12, 1993, final rule and amending part 564 to broaden the category of manufacturers who are permitted to submit light source information, as well as establishing a procedure to implement changes to information previously filed. The text that is proposed below for paragraphs 564.5(a) and (c) is based upon these amendments.

With the advent of part 564, there exist two places for dimensional and specification information on replaceable headlamp bulbs, paragraph S7.7 of Standard No. 108 and Docket No. 93-11. Because headlamps with any type of replaceable light sources, HB or other, must meet the same (or equivalent in the case of photometrics) performance requirements, there appears to be no safety disbenefit in removing the Figures in Standard No. 108 that specify dimensions for Type HB light sources and placing that information in Docket No. 93-11. Such an action would also entail minor amendments of a housekeeping nature to dovetail HB Type light sources and those that are permitted pursuant to part 564.

This notice proposes to remove from Standard No. 108 those Figures and text that specify dimensional, performance, and electrical specifications for HB Types 1 through 5. Upon issuance of a final rule, NHTSA would place this information in Docket No. 93-11. The notice would also redefine "replaceable light source" to mean an assembly of a capsule, base, and terminals that is designed to conform to the dimensions, specifications, and marking furnished with respect to it pursuant to Appendix A of part 564. The section on replaceable light sources, S7.7, would be revised by removing paragraphs (a) through (e) which refer to the Figures that would be deleted, and paragraph (f)

which relates to marking; this would be incorporated into paragraph (h), which would be redesignated paragraph (a). Present paragraph (g) would be transferred to the introductory text of S7.7, and paragraphs (h) through (k) would be redesignated (a) through (d) with minor changes in text. A conforming amendment would be made to S9.

In addition, a conforming amendment would be made to part 564 to remove the present exclusion of replaceable light sources specified in S7.7 of Standard No. 108.

#### 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.

#### Effective Date

The effective date of the final rule would be April 17, 1995. Because the final rule establishes no additional burden on any party and is primarily of an administrative nature, it is hereby tentatively found for good cause shown that an effective date for the amendments to Standard No. 108 that is earlier than 180 days after their issuance would be in the public interest.

#### Rulemaking Analyses and Notices

*Executive Order 12866 and DOT Regulatory Policies and Procedures.* The Office of Management and Budget has determined that it will not review this rulemaking action under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is an administrative one, to remove regulatory material from Standard No. 108 which the agency will file in a regulatory docket on the subject. Since the rule does not have any significant cost or other impacts, preparation of a full regulatory evaluation is not warranted.

*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 design and composition of headlamps or light sources 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. 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 motor vehicles, headlamps, and light sources, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected because the price of new vehicles, headlamps, and light sources would not be impacted.

*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 (Executive Order 12778).* 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. Section 30161 of Title 49 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.

#### List of Subjects

49 CFR Part 564

Motor vehicle safety, Motor vehicles.

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR parts 564 and 571 would be amended as follows:

#### PART 564—REPLACEABLE LIGHT SOURCE INFORMATION

1. The authority citation for part 564 would remain as follows:

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

2. Part 564 would be amended by revising paragraphs 564.5(a) and (c) to read as follows:

#### § 564.5 Information filing requirements; 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, 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).

\* \* \* \* \*

(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. 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 for which the agency has previously filed information in Docket No. 93-11.

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#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

3. The authority citation for Part 571 would be revised to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30177, 30166; delegation of authority at 49 CFR 1.50.

#### § 571.108 [Amended]

4. Section 571.108 would be amended by:

- a. revising the definition of "Replaceable Light Source" in section S4 to read as set forth below;
- b. revising paragraph S7.7 to read as set forth below;
- c. revising the last sentence of S9 as set forth below; and
- d. removing and reserving Figures 3-1 through 3-11, 19, 19-1 through 19-5, 20, 20-1 through 20-5, 23-1 through 23-7, and 24-1 through 24-9.
- e. revising Figures 8 and 25 as set forth below.

#### § 571.108 Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment.

\* \* \* \* \*

#### S4 Definitions

\* \* \* \* \*

*Replaceable light source* means an assembly of a capsule, base and terminals designed to conform to the dimensions, specifications and markings furnished with respect to it pursuant to Appendix A of part 564 *Replaceable Light Source Information* of this chapter.

\* \* \* \* \*

*S7.7 Replaceable Light Sources.* Each replaceable light source shall be designed to conform to the dimensions and electrical specifications furnished with respect to it pursuant to part 564 of this chapter, and shall conform to the following requirements:

(a) If other than an HB Type, the light source shall be marked with the bulb marking designation specified for it in compliance with section VIII of

Appendix A of part 564 of this chapter. The base of each HB Type shall be marked with its HB Type designation. Each replaceable light source shall also be marked with the symbol DOT and with a name or trademark in accordance with paragraph S7.2.

(b) The measurement of maximum power and luminous flux that is submitted in compliance with section VII of Appendix A of part 564 of this chapter shall be made in accordance with this paragraph. The filament shall be seasoned before measurement of either. Measurement shall be made with the direct current test voltage regulated within one quarter of one percent. The test voltage shall be design voltage, 12.8v. The measurement of luminous flux shall be in accordance with the Illuminating Engineering Society of North America, LM-45; *IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps* (April 1980), shall be made with the black cap installed on Type HB1, Type HB2, Type HB4, and Type HB5, and on any other

replaceable light source so designed, and shall be made with the electrical conductor and light source base shrouded with an opaque white colored cover, except for the portion normally located within the interior of the lamp housing. The measurement of luminous flux for the Types HB3 and HB4 shall be made with the base covered. (The white cover is used to eliminate the likelihood of incorrect lumen measurement that will occur should the reflectance of the light source base and electrical connector be low).

(c) The capsule, lead wires and/or terminals, and seal on each Type HB1, Type HB3, Type HB4, and Type HB5 light source, and on any other replaceable light source which uses a seal, shall be installed in a pressure chamber as shown in Figure 25 so as to provide an airtight seal. The diameter of the aperture in Figure 25 on a replaceable light source (other than an HB Type) shall be that figure furnished for such light source in compliance with Section IV.B of Appendix A of part 564 of this chapter. An airtight seal exists

when no air bubbles appear on the low pressure (connector) side after the light source has been immersed in water for one minute while inserted in a cylindrical aperture specified for the light source, and subjected to an air pressure of 70kPa (10 P.S.I.G.) on the glass capsule side.

(d) After the force deflection test conducted in accordance with S9, the permanent deflection of the glass envelope shall not exceed 0.13 mm in the direction of the applied force.

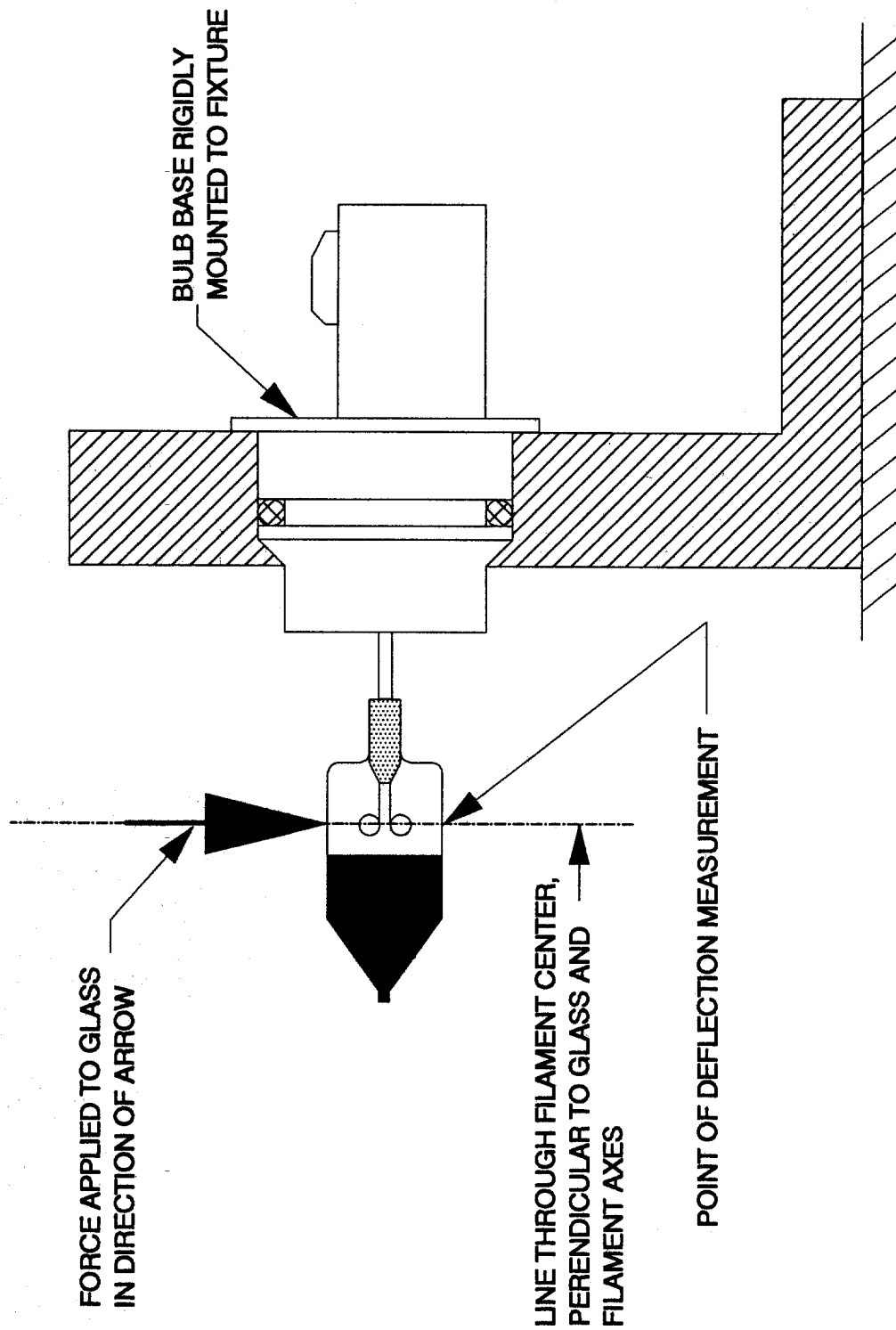
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S9 *Deflection test for replaceable light sources.* \* \* \* Distance 'A' for a replaceable light source other than an HB Type shall be the dimension provided in accordance with Appendix A of part 564 of this chapter, section I.A.1 if the light source has a lower beam filament, or as specified in section I.B.1 if the light source has only an upper beam filament.

\* \* \* \* \*

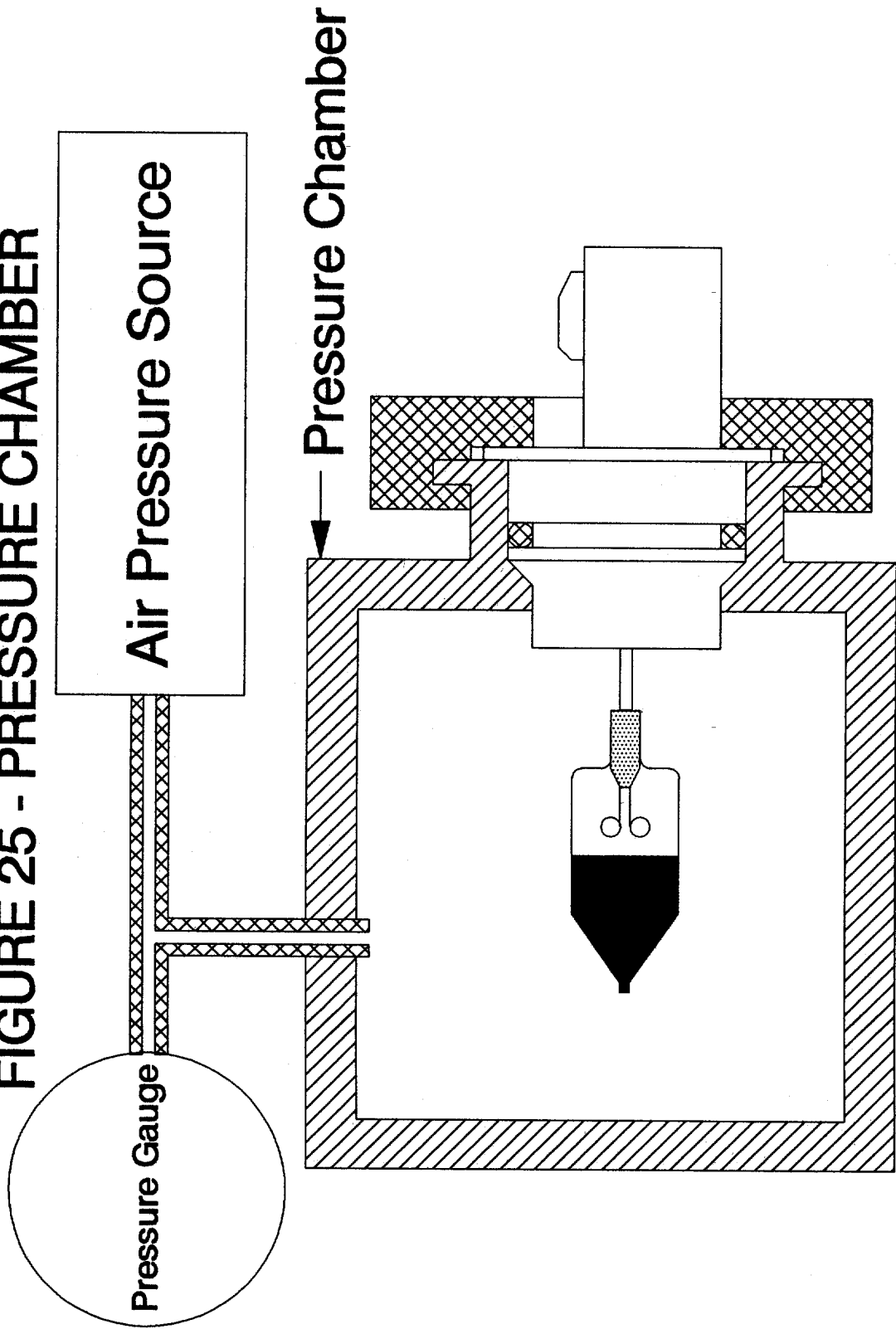
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**FIGURE 8 - BULB DEFLECTION TEST**



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**FIGURE 25 - PRESSURE CHAMBER**



Aperture in pressure chamber for bulb made to dimensions listed for aperture for bulb in response to Part 564.5(a).

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\* \* \* \* \*

Issued on March 9, 1995.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

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