

First, the final regulations removed § 251.72; however, the section was incorrectly cited as § 3251.7.

Second, § 259.3(d) was amended to state that if a joint claim to digital audio recording royalties (DART) is filed, it shall include a concise statement of the authorization for the filing of the joint claim and the name of each claimant to the joint claim. However, as published, § 259.3(d) was grammatically incorrect.

Accordingly, the publication on December 7, 1994, of the final regulations is corrected as follows:

§ 251.72 [Corrected]

On page 63042, in the second column, “§ 3251.7 [Removed]” is corrected to read, “§ 251.72 [Removed]”.

§ 259.3 [Corrected]

On page 63043, in the second column, in § 259.3, paragraph (d), after the phrase “If the claim is a joint claim,” and before the phrase “a concise statement”, the words “it shall include” are added.

Dated: February 7, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95-3498 Filed 2-10-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 14]

RIN 2127-AE07

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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 added minimum photometric values for headlamps at test points above the horizontal. The notice corrects minor errors that appeared in the final rule, and others which have been brought to NHTSA's attention. The notice also deletes photometric requirements that no longer apply to headlighting systems on vehicles manufactured on and after September 1, 1994.

DATES: The final rule is effective March 15, 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, and amending 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to ensure that the light sources in part 564 are designed to meet certain performance requirements of the standard, and to amend the headlighting requirements by adding minimum photometric values at two zones and two test points above the horizontal (58 FR 3856). Petitions for reconsideration of part 564 have been received, and will be responded to separately and at a later date. This notice responds to the portion of the rule that amended Standard No. 108.

No petitions were received asking for reconsideration of the amendments to Standard No. 108. However, Ford Motor Company has called the agency's attention to several errors in the amendments to the standard. The agency has noted additional errors.

Ford commented that SAE J579 DEC84 should not yet be deleted from Figure 26 as compliance with those specifications for certain light sources is permitted through August 31, 1994. The agency concurs, but the passage of time has rendered this comment moot. Because September 1, 1994 has now passed, by this notice NHTSA is removing from Standard No. 108 those provisions that no longer apply to headlighting systems on vehicles manufactured after August 31, 1994. Principally, these amendments remove references to Tables 1 and 2 of SAE J579 DEC84, and Figures 15 and 17, as well as removing the Figures themselves. Figure 26 is revised to reflect these changes. These amendments affect S7.1, and portions of S7.3, and S7.4 of Standard No. 108.

In Ford's view, the amended text of paragraphs S7.5(d) (2) and (3) does not appear to reflect NHTSA's intent stated in the preamble for photometric requirements of headlamp systems using dual filament light sources, i.e., that such headlamps be permitted to meet Table 1 of SAE J579 DEC84 or Figure 27, or alternatively Figures 15/15A or 17/17A. NHTSA concurs that the text should be revised to make clear that the agency is allowing optional compliance with Figure 27 or Figure 15A as well as with Figure 17A (SAE J579, and Figures 15 and 17 now being

deleted). To avoid confusion with the deleted Figures, NHTSA is not presently redesignating Figures 15A and 17A as Figures 15 and Figure 17, although it may do so in the future.

The following additional corrections are also made. The operand “+/-” is added in S7.7(a) in the last sentence, preceding “1 degree 00 minutes.” In paragraph S7.7(j), the reference to subparagraph “(e)” is properly to “(g)”. In Figure 17A, the correct sixth upper beam test point is “H-9L and 9R.”

Further, in the version of Standard No. 108 appearing in Title 49, Code of Federal Regulations, Parts 400-999 revised as of October 1, 1993, the titles of paragraphs S7.5 and S7.7 are not underlined, and a value is given in paragraph S11 as “12.8V +/-20mV”. This notice provides an underline for the titles and a correction of S11 to “12.8V +/- 20mV.”

Ford noticed that when the final rule removed paragraph S7.4(d) and redesignated the succeeding lettered paragraphs, cross-references in S7.5(i) and S7.6.2.1 to paragraph S7.4(i) were not changed to S7.4(h). NHTSA has noticed that its amendments of S8.7 Humidity of March 11, 1991 (56 FR 10185) removing the necessity for a photometric test following completion of the humidity test were not accompanied by a corresponding amendment removing S8.7 from the list of tests required under S8.1 Photometry. This notice corrects the errors, and several other minor ones that appear in the CFR text of Standard No. 108, such as an erroneous identification in S5.1.1.6 of SAE J222 “September 1970” which is correctly December 1970.

Effective Date

Because these amendments are corrective in nature and impose no additional burden upon any person, notice and comment upon are not required under the Administrative Procedure Act, and it is found, for good cause shown, that an effective date earlier than 180 days after issuance is in the public interest. The amendments will become effective 30 days after publication in the **Federal Register**.

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 under Executive Order 12866. It has been determined that the rulemaking is not significant under Department of Transportation regulatory policies and procedures. 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 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.

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.

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.

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103 (formerly section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)), 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. Forty-nine U.S.C. 30161 (formerly Section 105 of the Act (15 U.S.C. 1394)) 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 in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. 30111, 30162, 30115; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. In paragraph S5.1.1.6 of Section 571.108, the phrase "September 1970" is revised to read "December 1970."

3. Section 571.108 is amended by revising paragraphs S7.1, S7.3.2(a)(3), S7.3.3(a), S7.3.4, S7.3.5(a), and S7.3.6(a) to read as follows:

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

* * * * *
 S7.1 Each passenger car, multipurpose passenger vehicle, truck, and bus manufactured on or after September 1, 1994, shall be equipped with a headlighting system designed to conform to the requirements of S7.3, S7.4, S7.5, or S7.6.
 * * * * *

S7.3.2 *Type A headlighting system.*

* * *
 (a) * * *

(3) In paragraphs 4.5.2 and 5.1.6, the words "Figure 28 of Motor Vehicle Safety Standard No. 108" are substituted for "Table 3".
 * * * * *

S7.3.3. *Type B headlighting system.*

* * *
 (a) The requirements of paragraphs S7.3.2(a) through (c), except that Figure 27 is substituted for Table 3 in paragraph S7.3.2(a)(3).
 * * * * *

S7.3.4 *Type C headlighting system.*

A Type C headlighting system consists of two Type 1C1 and two Type 2C1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.2(a) through (d), except that Figure 28 is substituted for Table 3 in paragraph S7.3.2(a)(3).

S7.3.5 *Type D headlighting system.*

(a) A Type D headlighting system consists of two Type 2D1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.2(a) through (c), except that Figure 27 is substituted for Table 3 in paragraph S7.3.2(a)(3).
 * * * * *

S7.3.6 *Type E headlighting system.*

(a) A Type E headlighting system consists of two Type 2E1 headlamps and associated hardware, which are designed to conform to the requirements of paragraph S7.3.2(a) through (c), except that Figure 27 is substituted for Table 3 in paragraph S7.3.2(a)(3).
 * * * * *

4. In paragraph S7.3.7(b) of Section 571.108 remove the words "Figure 15 or".

5. In the heading of paragraph S7.3.7(c) of Section 571.108 the reference to "Performance" is revised to read "Performance".

6. In paragraphs S7.3.7(d) and S7.3.7(h)(1) of section 571.108 the reference to "Figure 15" is revised to read "Figure 15A".

7. Paragraph S7.3.8(b) of Section 571.108 is amended by revising the last sentence to read: "In paragraph 4.5.2, the words 'Figure 28' are substituted for the words 'Table 3.'"
 * * * * *

8. Paragraph S7.3.9(a) of Section 571.108 is revised to read: S7.3.9 *Type H Headlighting System.*
 * * * * *

(a) Paragraphs S7.3.8(a) through (d) except that in paragraph S7.3.8(b), Figure 27 is substituted for Table 3.
 * * * * *

9. Paragraph S7.4 of Section 571.108 is amended by revising paragraphs S7.4(a)(1)(i), (ii), and (iii), (a)(2)(i) and (ii) and the first sentence of (a)(3) to read as follows:

S7.4 *Integral Beam Headlighting System.* * * *

(a) * * *
 (1) * * *
 (i) Figure 15A; or
 (ii) Figure 15A except that the upper beam test value at 2½ D-V and 2½ D-12R and 12L, shall apply to the lower beam headlamp and not to the upper beam headlamp, and the upper beam test point value at 1½ D-9R and 9L shall be 1000, or

(iii) Figure 28.
 (2) * * *
 (i) Figure 17A; or
 (ii) Figure 27.

(3) In a system in which there is more than one beam contributor providing a lower beam, and/or more than one beam contributor providing an upper beam, each beam contributor in the system shall be designed to meet only the photometric performance requirements of Figure 15A based upon the following mathematical expression: conforming test point value=2 (Figure 15A test point value)/total number of lower or upper beam contributors for the vehicle, as appropriate. * * *
 * * * * *

10. and 11. Section 571.108 is amended by removing the word "standardized" from the following paragraphs:

- (a) S7.5(a);
- (b) S7.5(b);
- (c) S7.5(f);
- (d) S8.6;

12. Section 571.108 is amended by revising paragraphs S7.5(d)(2)(i)(A)(1)

and (2), (d)(2)(ii)(A)(1) and (2), (d)(3)(i)(A) and (B), (d)(3)(ii)(A) and (B), (e)(2)(i)(A) and (B), (e)(2)(ii)(A) and (B), (e)(3)(i) and (ii), and (i) to read as follows:

7.5 Replaceable Bulb Headlamp Systems.

* * * * *

- (d) * * *
- (2) * * *
- (i) * * *
- (A) * * *

(1) The lower beam requirements of Figure 27 or Figure 17A if the light sources in the headlamp system are any combination of dual filament replaceable light sources other than Type HB2; or

(2) The lower beam requirements of Figure 17A if the light sources are Type HB2, or any combination of replaceable light sources that include Type HB2; or

* * * * *

- (ii) * * *
- (A) * * *

(1) the upper beam requirements of Figure 27 or Figure 17A if the light sources in the headlamp system are any combination of dual filament replaceable light sources other than Type HB2; or

(2) the upper beam requirements of Figure 17A if the light sources are Type HB2, or any combination of replaceable light sources that include Type HB2; or

* * * * *

- (3) * * *
- (i) * * *

(A) The lower beam requirements of Figure 27 or Figure 15A if the light sources in the headlamp system are any combination of dual filament light sources other than Type HB2; or

(B) The lower beam requirements of Figure 15A if the light sources are Type HB2, or dual filament light sources other than Type HB1 and Type HB5. The lens of each such headlamp shall be marked with the letter "L".

- (ii) * * *

(A) The upper beam requirements of Figure 27 or Figure 15A if the light sources in the headlamp system are any combination of dual filament light sources other than Type HB2; or

(B) The upper beam requirements of Figure 15A, if the light sources are Type HB2, or dual filament light sources other than Type HB1 and Type HB5. The lens of each such headlamp shall be marked with the letter "U".

- (e) * * *
- (2) * * *
- (i) * * *

(A) By the outboard light source (or the uppermost if arranged vertically) designed to conform to the lower beam requirements of Figure 17A; or

(B) By both light sources, designed to conform to the upper beam requirements of Figure 17A.

(ii) * * *

(A) By the inboard light source (or the lower one if arranged vertically), designed to conform to the upper beam requirements of Figure 17A; or

(B) By both light sources, designed to conform to the upper beam requirements of Figure 17A.

(3) * * *

(i) The lower beam shall be produced by the outboard lamp (or the upper one if arranged vertically), designed to conform to the lower beam requirements of Figure 15A. The lens of each such headlamp shall be permanently marked with the letter "L".

(ii) The upper beam shall be produced by the inboard lamp (or the lower one if arranged vertically), designed to conform to the upper beam requirements of Figure 15A. The lens of each such headlamp shall be marked with the letter "U".

* * * * *

(i) Each headlamp shall meet the requirements of paragraphs 7.4(g) and (h), except that the sentence in paragraph (g) to verify sealing according to section 8.9 *Sealing* does not apply.

13. In paragraph S7.6.2 of Section 571.108 the words "Figure 17" are revised to read "Figure 17A".

14. In paragraph S7.6.2.1 of Section 571.108, the phrase "through (i)" is revised to read "through (h)."

15. In paragraph S7.6.3 of Section 571.108 the words "Figure 15" are revised to read "Figure 15A" wherever they appear.

16. Paragraph S7.7(a) of Section 571.108 is amended by revising the final sentence to read: "A general tolerance shall apply to Figure 3 as follows: +/- 0.004 in. (0.10 mm) to all linear dimensions and +/- 1 degree 00 minutes to all angular dimensions except for referenced dimensions and unless otherwise specified."

17. Paragraph S7.7(j) of Section 571.108 is amended by revising the second sentence to read: "The diameter of the aperture in Figure 25 on a replaceable light source designed to conform to subparagraph (g) of this paragraph shall be that figure furnished for such light source in compliance with section IV.B of appendix A of part 564 of this chapter."

18. In paragraph S7.8.5.2(a) of Section 571.108, the word "verticle" is revised to read "vertical."

19. Section 571.108 is amended by revising S8.1 to read as follows:

S8.1 Photometry. Each headlamp to which paragraph S8 applies shall be tested according to paragraphs 4.1 and 4.1.4 of SAE Standard J1383 APR85 for meeting the applicable photometric requirements after each test specified in paragraphs S8.2, S8.3, S8.5, S8.6.1, and S8.6.2. A 1/4 degree reaim is permitted in any direction at any test point.

20. In paragraph S11 of Section 571.108, the words in the first sentence "12.8V +/-20mV" are revised to read "12.8V +/- 20mV".

21. Figure 15 and Figure 17 of Section 571.108 are removed.

22. Figure 17A of Section 571.108 is revised to read as follows:

FIGURE 17A.—PHOTOMETRIC TEST POINT VALUES, 2-LAMP SYSTEM

| Upper beam | | | Lower beam | | |
|--------------------------|---------|---------|------------------------|---------|---------|
| Test points (degrees) | cd max. | cd min. | Test points (degrees) | cd max. | cd min. |
| 2U-V | | 1,500 | 10U-90U | 125 | ..... |
| 1U-3L and 3R | | 5,000 | 4U-8L and 8R ..... | ..... | 64 |
| H-V | 75,000 | 40,000 | 2U-4L ..... | ..... | 135 |
| H-3L and 3R | | 15,000 | 1-1/2U-1R to 3R ..... | ..... | 200 |
| H-6L and 6R | | 5,000 | 1-1/2U-1R to R | 1,400 | ..... |
| H-9L and 9R | | 3,000 | 1U-1-1/2L to L | 700 | ..... |
| H-12L and 12R | | 1,500 | 1/2U-1-1/2L to L | 1,000 | ..... |
| 1-1/2D-V | | 5,000 | 1/2U-1R to 3R | 2,700 | 500 |
| 1-1/2D-9L and 9R | | 2,000 | H-4L ..... | ..... | 135 |
| 2-1/2D-V | | 2,500 | H-8L ..... | ..... | 64 |
| 2-1/2D-12L and 12R | | 1,000 | 1/2D-1-1/2L to L | 3,000 | ..... |
| 4D-V | 12,000 | ..... | 1/2D-1-1/2R | 20,000 | 10,000 |

FIGURE 17A.—PHOTOMETRIC TEST POINT VALUES, 2-LAMP SYSTEM—Continued

| Upper beam | | | Lower beam | | |
|-----------------------|---------|---------|------------------------|---------|---------|
| Test points (degrees) | cd max. | cd min. | Test points (degrees) | cd max. | cd min. |
| | | | 1D-6L | | 1,000 |
| | | | 1-1/2D-2R | | 15,000 |
| | | | 1-1/2D-9L and 9R | | 1,000 |
| | | | 2D-15L and 15R | | 850 |
| | | | 4D-4R | 12,500 | |

23. Figure 26 of Section 571.108 is revised to read as follows:

FIGURE 26.—TABLE OF PHOTOMETRIC REQUIREMENTS

[1. Four-Headlamp Systems (4)]
 [2. Two-Headlamp Systems (2)]

| Light source type | HB1 | HB2 | HB3 | HB4 | HB5 |
|-------------------|---|--|--|--|---|
| HB1 | Fig. 27 (4,2) or Fig. 15A (4) or Fig. 17A (2) | Fig. 15A(4) Fig. 17A(2) | Fig. 15A(4) Fig. 17A(2) | Fig. 15A(4) Fig. 17A(2) | Fig. 27 (4,2) or Fig. 15A (4) or Fig. 17A (2) |
| HB2 | | Fig. 15A(4) Fig. 17A(2) |
| HB3 | | | Fig. 15A(4) Fig. 17A(2) | Fig. 15A(4) Fig. 17A(2) | Fig. 15A(4) Fig. 17A(2) |
| HB4 | | | | Fig. 15A(4) Fig. 17A(2) | Fig. 15A(4) Fig. 17A(2) |
| HB5 | | | | | Fig. 27 (4,2) or Fig. 15A (4) or Fig. 17A (2) |

24. In Table IV of Section 571.108, the word "symetrically" appearing under the heading "Motorcycles" in the horizontal column captioned "Headlamps" is revised to read "symmetrically."

Issued on: February 6, 1995.

Ricardo Martinez,
 Administrator.

[FR Doc. 95-3303 Filed 2-10-95; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 571

[Docket No. 94-53, Notice 02]

RIN No. 2127-AF19

Federal Motor Vehicle Safety Standards (FMVSS); New Pneumatic Tires

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

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA amends the labeling requirements of the safety standard for new passenger car pneumatic tires by permitting tires whose maximum inflation pressure is 60 pounds per square inch (psi) to be labeled in metric measurements: "Inflate to 420 kPa (60 psi)." This final rule would further international harmonization of standards. NHTSA

takes this action in response to a petition for rulemaking from the Japan Automobile Tire Manufacturers' Association.

DATES: This final rule is effective March 15, 1995. Petitions for reconsideration of this final rule must be received not later than March 15, 1995.

ADDRESSES: Petitions for reconsideration of this final rule should refer to the docket and notice number cited in the heading of this final rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Ms. Droneburg's telephone number is: (202) 366-6171.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires (Std. No. 109), requires passenger car tires to be labeled with important safety information, including tire size, construction, and inflation pressure. S4.3.5 of the standard provides that if the maximum inflation pressure of a tire is 60 pounds per square inch (psi), the words "Inflate to 60 psi" shall be molded on both sidewalls of the tire.

The Japan Automobile Tire Manufacturers' Association (JATMA) petitioned NHTSA, suggesting that S4.3.5 should be amended to require adding the words "or 'inflate to 420 kPa (60 psi)'" after "Inflate to 60 psi." JATMA stated that the maximum inflation pressure of a "T"-type spare tire is listed as 420 kilopascals (kPa) in the Tire and Rim Association, Inc., Year Book, the JATMA Year Book, and in Japanese Industrial Standard (JIS) D4230. JATMA indicated that, if the suggested amendment were adopted by NHTSA, tire manufacturers would be able to mark tires for both the Japanese and U.S. markets. NHTSA granted the petition by letter dated January 7, 1994.

Notice of Proposed Rulemaking

On July 5, 1994, NHTSA published in the **Federal Register** (59 FR 34405) a notice of proposed rulemaking (NPRM) proposing to make JATMA's requested changes to Std. No. 109. NHTSA noted that the changes, if made final, would be consistent with the requirement of section 5164 of the Omnibus Trade and Competitiveness Act (Pub. L. 100-418), which designated the metric system as the preferred system of weights and measures for U.S. trade and commerce. NHTSA stated its belief that allowing metric units on tires would further the international harmonization of standards. Common sizing for international markets would facilitate