requests from three 220 MHz radio equipment manufacturers to extend the current construction deadline beyond April 4, 1995. The first of these was submitted by SEA, Inc. (SEA) in a letter sent to Regina M. Keeney, Chief, Wireless Telecommunications Bureau, on January 17, 1995. SEA asks that the deadline be extended to December 31, 1995 for those licensees who have, by placing equipment orders with manufacturers, demonstrated their intent to construct their 220 MHz stations. SEA argues that this extension is needed because the manufacturing capacity of the companies producing 220 MHz equipment ''is not sufficient to fill existing orders by the April 4 deadline'' and that those licensees who have placed orders ''should not be required to forfeit their licenses'' due to manufacturers' inability to deliver equipment by that date. As further support for its request, SEA contends that the *Evans v. FCC*[4] court appeal caused licensees to delay placing orders, and that, upon dismissal of the appeal, manufacturers were required suddenly to deliver equipment by a ''single, across-the-board'' deadline applicable to all licensees. SEA observes that, had the court case not occurred, manufacturers would have had to satisfy the less difficult requirement of filling orders to meet the progressive 8-month construction deadlines of the approximately 3,600 individual stations that were authorized over an extended period.

3. E.F. Johnson Company (EFJ), another 220 MHz equipment manufacturer, in a letter sent to Regina M. Keeney on January 25, 1995, supports SEA's request for an extension until December 31, 1995 for those 220 MHz licensees who have timely placed an equipment order with a manufacturer offering type-accepted equipment. EFJ argues that the current ''compressed manufacturing and delivery schedule can simply not be met, even with the considerable resources [the company] will commit to the process'' and contends that if an extension is not granted, the Commission will ''irreparably harm the nascent 220 MHz industry and seriously set back efforts to employ spectrum efficient narrowband technology on a widespread basis.''

4. Finally, the third manufacturer, Linear Modulation Technology Limited (LMT), a wholly-owned subsidiary of the Securicor Group plc, in a letter sent to Regina M. Keeney on February 1, 1995, also expresses support for the granting of an extension to December 31, 1995. LMT claims that, while it will be able to construct a significant number of 220 MHz systems by the April 4, 1995 deadline, it will not be able to deliver and construct by that date many of the orders for the ''approximately one thousand full systems that licensees or managers of 220 MHz systems have attempted to place with LMT.'' LMT contends that, if those licensees who have tried to construct their systems by the deadline lose their licenses due to the unavailability of equipment, the prospects for the successful deployment of the 220 MHz service ''will significantly diminish'' and the U.S. 220 MHz industry will be placed ''in serious jeopardy.''[5]

5. The manufacturers of 220 MHz equipment have indicated that, despite their best efforts, equipment ordered by many non-nationwide 220 MHz licensees will not be delivered in time to enable such licensees to construct their stations by April 4, 1995. The Bureau believes that these licensees should be afforded some measure of relief from the current construction deadline. The Bureau is also concerned that a number of licensees, aware of manufacturers' production difficulties, have delayed the placement of orders or have chosen not to place orders at all under the assumption that the orders could not be filled by April 4, 1995. Therefore, to provide relief to all licensees—those that have placed orders as well as those that must still do so—the Bureau extends to December 31, 1995 the deadline for nonnationwide 220 MHz licensees to construct their stations and place them in operation.

6. Accordingly, for good cause shown, *It is Ordered That* the requests by SEA Inc., E.F. Johnson Company, Linear Modulation Technology Limited and other parties for extension of the deadline for construction of non-nationwide 220 MHz stations are *Granted* to the extent indicated herein and otherwise denied.

Federal Communications Commission.

Regina M. Keeney,

Chief, Wireless Telecommunications Bureau.

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[4] *See* footnote 2, *supra.*

[5] In addition to the letters received from these equipment manufacturers, certain other interested parties, including 220 MHz licensees, have submitted requests to the Wireless Telecommunications Bureau asking for construction deadline extensions of up to three years.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

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

ACTION: Final rule.

SUMMARY: This notice amends the delegations of authority within the National Highway Traffic Safety Administration by transferring, from the Associate Administrator for Enforcement to the Director, Office of Vehicle Safety Compliance, the responsibility for granting and denying petitions for import eligibility decisions that are submitted to the agency under 49 U.S.C. 30141(a)(1) (formerly section 108(c)(3)(C)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)).

EFFECTIVE DATE: This delegation is effective as of February 22, 1995.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of the Chief Counsel (NCC–10), National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590 (202–366–5263).

SUPPLEMENTARY INFORMATION:

This notice amends the delegations of authority within the National Highway Traffic Safety Administration (NHTSA) to reflect the transfer of responsibilities from NHTSA's Associate Administrator for Enforcement to one of the Associate Administrator's subordinates, the Director of the Office of Vehicle Safety Compliance. Under the existing delegations of authority, the Associate Administrator for Enforcement is responsible for the ''[g]ranting and denying of petitions for import eligibility determinations submitted to the NHTSA by motor vehicle manufacturers and registered importers * * *.'' 49 CFR 501.8(g)(3). Regulations establishing the procedures for making these determinations are found at 49 CFR part 593.

Those regulations implement 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the Act), which provides that a motor vehicle not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that it is substantially similar to a motor vehicle originally manufactured for importation

into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable safety standards.

Under 49 U.S.C. 30141(a) (formerly section 108(c)(3)(C)(i) of the Act), these import eligibility decisions may be made ''on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under (49 U.S.C. 30141(c).'' The Secretary's authority to make these determinations is delegated to the Administrator of NHTSA under 49 CFR 1.50(a). The Administrator, in turn, delegated to the Associate Administrator for Enforcement, under 49 CFR 501.8(g)(3), the responsibility for granting and denying petitions for import eligibility determinations submitted to the agency by registered importers and manufacturers.

This notice transfers these responsibilities to the Director of NHTSA's Office of Vehicle Safety Compliance. This transfer will eliminate one level of management review for these actions, thereby reducing the processing time for the petitions and some of the costs associated with the importation of the vehicles to which the petitions relate.

The amendment made through this notice relates solely to the organization and assignment of duties within the agency, and has no substantive regulatory effect. It is therefore not subject to the notice and comment and the effective date requirements of the Administrative Procedure Act. This amendment is also not subject to the requirements of Executive Order 12866 or to the Department of Transportation's regulatory policies and procedures. Notice and the opportunity for public comment are therefore not required, and this amendment is effective immediately upon publication in the **Federal Register**.

List of Subjects in 49 CFR Part 501

Authority, Delegations.

In consideration of the foregoing, 49 CFR part 501 is amended as follows:

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The authority citation for part 501 continues to read as follows:

Authority: 49 U.S.C. secs. 105 and 322; delegation of authority at 49 CFR 1.50.

2. Section 501.8 is amended by removing paragraph (g)(3), and by adding a new paragraph (l), to read as follows:

§ 501.8 Delegations.

* * * * *

(l) *Director, Office of Vehicle Safety Compliance, Enforcement.* The Director, Office of Vehicle Safety Compliance, Enforcement, is delegated authority to exercise the powers and perform the duties of the Administrator with respect to granting and denying petitions for import eligibility decisions submitted to the NHTSA by motor vehicle manufacturers and registered importers under 49 U.S.C. 30141(a)(1).

Issued on: February 15, 1995.

Ricardo Martinez,

Administrator.

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