

standards of conduct regulations that have been superseded by the branch-wide Standards of Ethical Conduct issued by the Office of Government Ethics ("OGE") and by the executive branch financial disclosure regulations. In place of its regulations, the FMC is substituting cross-references to the new branch-wide regulations.

EFFECTIVE DATE: February 22, 1995.

FOR FURTHER INFORMATION CONTACT: David R. Miles, Designated Agency Ethics Official, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, D.C. 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: On November 6, 1984, the Federal Maritime Commission adopted administrative regulations governing employee responsibilities and conduct; statements of employment and financial interests; and executive personnel financial disclosure reports. See 46 CFR part 500, subpart A, B, C, and D. On August 7, 1992, the Office of Government Ethics published Standards of Ethical Conduct for Employees of the Executive Branch ("Standards") for codification at 5 CFR part 2635. See 57 FR 35006-35007, as corrected at 57 FR 48557 (October 27, 1992) and 57 FR 52583 (November 4, 1992). The Standards, effective February 3, 1993, contain uniform ethical conduct standards applicable to all executive branch personnel, and supersede all existing agency standards of conduct.

Accordingly, the Commission is repealing its existing standards of conduct regulations at 46 CFR Part 500, Subparts A, B, and C, which were superseded by the executive branch-wide Standards on February 3, 1993. In addition, Subpart D of Part 500, dealing with financial disclosure, was also superseded on October 5, 1992, by OGE's executive branch-wide financial disclosure regulation, codified at 5 CFR Part 2634. See 57 FR 11800-11830 (April 7, 1992), as amended at 57 FR 21854-21855 (May 22, 1992) and 57 FR 62605 (December 31, 1992). In place of its old standards at 46 CFR part 500, the Commission is issuing a residual cross-reference provision, at new 46 CFR 500.101, to refer to both the branch-wide Standards and financial disclosure regulations. The Commission has determined not to supplement the standards with its own agency-specific standards.

The Commission finds that good cause exists under 5 U.S.C. 553(b) and (d)(3) for waiving, as unnecessary and contrary to the public interest, the general notice of proposed rulemaking and the 30-day delay in effectiveness as

to this rule and repeals. This rulemaking is related to the Commission's organization, procedure and practice.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Commission certifies that this final rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions, because it affects only Commission employees.

List of Subjects in 46 CFR Part 500

Conflict of interests, Government employees.

For the reasons set forth above, the Federal Maritime Commission, in concurrence with the Office of Government Ethics, is amending title 46, Subchapter A of the Code of Federal Regulations, by revising Part 500 to read as follows:

PART 500—EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS

Authority: 5 U.S.C. 553; 5 U.S.C. 7301; 46 U.S.C. app. 1716.

§ 500.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

Employees of the Federal Maritime Commission ("FMC") should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

By the Commission.

Joseph C. Polking,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-552; DA 95-251]

Use of the 220-222 MHz Band by the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Interpretation; Extension of compliance date.

SUMMARY: Non-nationwide 220-222 MHz licensees are currently required to construct their stations and place them in operation by April 4, 1995. Recently, however, the Commission has received requests from manufacturers of 220-222

MHz radio equipment to extend this deadline. The manufacturers indicate that an extension is necessary because they will not be able to deliver radio equipment to many licensees in time to enable them to construct their stations by April 4, 1995. The Wireless Telecommunications Bureau agrees that some measure of relief should be afforded to non-nationwide 220-222 MHz licensees and has therefore adopted this Order extending the deadline to December 31, 1995 for all non-nationwide 220-222 MHz licensees to construct their stations and place them in operation.

DATES: Compliance date extended to December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Martin D. Liebman, Policy Division, Wireless Telecommunications Bureau, (202) 418-0620.

SUPPLEMENTARY INFORMATION:

Order

Adopted: February 16, 1995
Released: February 17, 1995

By the Chief, Wireless Telecommunications Bureau:

1. On August 19, 1994, the Private Radio Bureau released a Public Notice (DA 94-902)¹ extending the deadline for construction of non-nationwide 220 MHz stations from December 2, 1994 to April 4, 1995.² The Commission, in the *Third Report and Order*, GN Docket No. 93-252, Implementation of Sections 3(n) and 332 of the Communications Act, released September 23, 1994, 9 FCC Rcd 7988 (1994) 59 FR 59945, November 21, 1994, again identified April 4, 1995 as the construction deadline for non-nationwide 220 MHz stations. In that decision, the Commission noted that the extension "gives these licensees approximately 12 months from the date of * * * [the March 30, 1994 Order] * * * to complete construction and commence operations. * * *"³

2. Recently, the Wireless Telecommunications Bureau received

¹ The responsibility for licensing the 220 MHz radio service now resides in the Wireless Telecommunications Bureau.

² (59 FR 15857, April 5, 1994). The December 2, 1994 deadline was announced in a Private Radio Bureau Order released on March 30, 1994 (see 9 FCC Rcd 1739 (1994)). In that Order, the Bureau, citing the court appeal challenging the Commission's 220 MHz licensing procedures (see *Evans v. Federal Communications Commission*, Order, per curiam, Case No. 92-1317 (D.C. Cir. March 18, 1994)) decided that, upon termination of the appeal, all non-nationwide 220 MHz licensees would be afforded the full 8 months provided under our rules (see 47 C.F.R. § 90.725(f)) to construct and operate their stations. The December 2, 1994 deadline reflected the approximate 8-month period following the March 30, 1994 release of the Order.

³ See 9 FCC Rcd 8077 (1994).

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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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]ranted 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

⁴ See footnote 2, *supra*.