

Media Bureau, Engineering Policy Branch, (202) 418-2190.

#### List of Subjects in 40 CFR Part 74

Auxiliary facilities, Radio broadcasting.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

#### Rule Change

Part 74 of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

1. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154 and 303.

2. Section 74.550 is revised to read as follows:

#### **§ 74.550 Equipment authorization.**

Each authorization for aural broadcast STL, ICR, and booster stations shall require the use of notified or type accepted equipment. Equipment which has not been type approved under the equipment authorization program and which was in service prior to July 1, 1993, may be retained solely for temporary uses necessary to restore or maintain regular service provided by approved equipment, because the main or primary unit has failed or requires servicing. Such temporary uses may not interfere with or impede the establishment of other aural broadcast auxiliary links and may not occur during more than 720 cumulative hours per year. Should interference occur, the licensee must take all steps necessary to eliminate it, up to and including cessation of operation of the auxiliary transmitter. All unapproved equipment retained for temporary use must have been in the possession of the licensee prior to July 1, 1993, and may not be obtained from other sources. Requirements for obtaining a grant of equipment authorization are contained in subpart J of part 2 of the Rules. Equipment designed exclusively for fixed operation shall be authorized under notification procedures (see § 2.904(d) of this chapter).

**Note:** Consistent with the note to § 74.502(a), grandfathered equipment in the 942-944 MHz band and STL/ICR users of these frequencies in Puerto Rico are also required to come into compliance by July 1,

1993. The backup provisions described above apply to these stations also.

[FR Doc. 95-6489 Filed 3-15-95; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

#### **49 CFR Part 1**

[OST Docket No.1; Amdt. I-268]

#### **Organization and Delegation of Powers and Duties; Delegation to All Administrators**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule contains a delegation of authority to all Administrators of the Department of Transportation's (DOT) operating administrations 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 and related legislation. This rule is necessary to reflect the delegation in the Code of Federal Regulations.

This rule also makes a minor amendment to the regulation that details the structure and responsibilities of the Office of the Secretary by adding a new office, the Office of Aviation International Economics, within the Office of the Assistant Secretary for Aviation and International Affairs.

**EFFECTIVE DATE:** This rule becomes effective March 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Terence W. Carlson, Office of the Assistant General Counsel for Environmental, Civil Rights and General Law at (202) 366-9161, Department of Transportation, 400 7th Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** The Department of Transportation and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-331, section 329A, 108 Stat. 2471, 2493 (September 30, 1994), grants the Secretary of Transportation specific authority 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 (TRP) 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. TRP is a statutory interagency project lead by the Department of Defense (DOD) through its Advanced Research Projects Agency, which uses DOD funds to support the cost-shared application of defense-related technologies to the commercial sector. Therefore, it is necessary to amend the relevant part of the CFR to delegate this authority to the Administrators of the DOT operating administrations.

49 CFR part 1 describes the organization of DOT and provides for the performance of duties imposed upon, and the exercise of powers vested in, the Secretary of Transportation by law. Section 1.45 delegates certain authorities of the Secretary to all Administrators of the DOT operating administrations. This rulemaking amends § 1.45(a) to add a new subparagraph (18), which delegates to the Administrators the authority to enter into grants, cooperative agreements, and other transactions with any entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 and related legislation. This rulemaking also amends § 1.22, which details the structure and responsibilities of the Office of the Secretary. It makes a minor revision to § 1.22(c) to add a fourth office within the Office of the Assistant Secretary for Aviation and International Affairs, the Office of Aviation International Economics.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Therefore, this rule is effective on the date of its publication.

#### **List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, and under the authority of 49 U.S.C. 332, part 1 of title 49 Code of Federal Regulations is amended as follows:

#### **PART I—[AMENDED]**

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

**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.**

\* \* \* \* \*

(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.

\* \* \* \* \*

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

**§ 1.45 Delegations to all Administrators.**

\* \* \* \* \*

(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.*

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**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.