

William T. Cross, Federal Communications Commission, Wireless Telecommunications Bureau, Private Wireless Division, Washington, DC 20554, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, adopted April 17, 1995, and released April 27, 1995. The complete text of this action is available for inspection and copying during normal business hours at the FCC, Room 239, 1919 M Street, NW., Washington, DC. The complete text of this action, including the rule amendments, may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

### Summary of Report and Order

1. The rules for the amateur service have been amended to authorize automatic control of stations transmitting digital emission types on the High Frequency (HF) amateur service bands, subject to two conditions for such operation. The automatically controlled station must either be connected to another station that is under manual control, or the automatically controlled station must transmit within a subband designated for this purpose.

2. The amateur service community stated that it generally has a need for stations to transmit digital emission types on the HF bands while under automatic control. The comments also established that there is concern that such transmissions could cause interference to other communications. We are amending the rules, therefore, to permit stations in the amateur service to transmit a digital emission on the HF bands under automatic control. Such operation will result in greater flexibility in experimentation and development of digital communications. The Commission recognized the concerns of those who oppose the proposal on the basis of potential interference, and in response to these concerns it limited when automatic control can be employed. First, the control operator of the station that is connected to the automatically controlled station must prevent the automatically controlled station from causing interference. Second, the Commission designated subbands to which transmissions between two automatically controlled stations must be confined.

3. The rules are set forth at the end of this document.

4. The rules contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, 44

U.S.C. 3501 *et seq.*, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

5. This Report and Order is issued under the authority of sections 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

### List of Subjects in 47 CFR Part 97

Digital communications, Radio.

Federal Communications Commission.

**William F. Caton,**  
*Acting Secretary.*

### Rule Changes

Part 97 of chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 97—AMATEUR RADIO SERVICE

1. The authority citation for part 97 continues to read as follows:

**Authority:** 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.109 is amended by revising paragraphs (d) and (e) to read as follows:

#### § 97.109 Station control.

\* \* \* \* \*

(d) When a station is being automatically controlled, the control operator need not be at the control point. Only stations specifically designated elsewhere in this part may be automatically controlled. Automatic control must cease upon notification by an EIC that the station is transmitting improperly or causing harmful interference to other stations. Automatic control must not be resumed without prior approval of the EIC.

(e) No station may be automatically controlled while transmitting third party communications, except a station transmitting a RTTY or data emission. All messages that are retransmitted must originate at a station that is being locally or remotely controlled.

3. A new § 97.221 is added to subpart C to read as follows:

#### § 97.221 Automatically controlled digital station.

(a) This rule section does not apply to an auxiliary station, a beacon station, a repeater station, an earth station, a space station, or a space telecommand station.

(b) A station may be automatically controlled while transmitting a RTTY or

data emission on the 6 m or shorter wavelength bands, and on the 28.120-28.189 MHz, 24.925-24.930 MHz, 21.090-21.100 MHz, 18.105-18.110 MHz, 14.0950-14.0995 MHz, 14.1005-14.112 MHz, 10.140-10.150 MHz, 7.100-7.105 MHz, or 3.620-3.635 MHz segments.

(c) A station may be automatically controlled while transmitting a RTTY or data emission on any other frequency authorized for such emission types provided that:

(1) The station is responding to interrogation by a station under local or remote control; and

(2) No transmission from the automatically controlled station occupies a bandwidth of more than 500 Hz.

[FR Doc. 95-11978 Filed 5-15-95; 8:45 am]

BILLING CODE 6712-01-M

### DEPARTMENT OF TRANSPORTATION

#### Federal Highway Administration

#### 49 CFR Part 390

[FHWA Docket No. MC-93-17]

RIN 2125-AD14

#### Federal Motor Carrier Safety Regulations; General; Intermodal Transportation

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice; extension of effective date.

**SUMMARY:** The Federal Highway Administration (FHWA) has received petitions from APL Land Transport Services, Inc., "K" Line America, Inc., and the Intermodal Safe Container Coalition seeking a delay in the June 27, 1995, effective date of the FHWA regulations implementing the provisions of the Intermodal Safe Container Transportation Act of 1992 [Pub. L. 102-548, 106 Stat. 3646, partly codified at 49 U.S.C. 5901-5907 (formerly 49 U.S.C. 501 and 508)]. Because of the complexities of both domestic and international intermodal operations, the FHWA believes these petitions have merit. The FHWA is, therefore, administratively extending the June 27 effective date until September 27, 1995, to allow the agency sufficient time to consider public comment on whether to further extend the effective date until 1996 as requested by the petitioners. In the very near future, the FHWA will publish a separate rulemaking in the **Federal Register** seeking comment on the petitioners' requests.

**DATES:** The effective date of June 27, 1995, for the final rule published under Docket MC-93-17 on December 29, 1994, (59 FR 67544) is extended to September 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, HCS-10, (202) 366-5763; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

(49 U.S.C. 5901-5907, 31132, 31136, 31502, and 31504; 49 CFR 1.48)

Issued on: May 11, 1995.

**Rodney E. Slater,**

*Administrator, Federal Highway Administration.*

[FR Doc. 95-12066 Filed 5-15-95; 8:45 am]

BILLING CODE 4910-22-P

### National Highway Traffic Safety Administration

#### 49 CFR Parts 552, 554, 573, 576, and 577

[Docket No. 93-68; Notice 3]

RIN 2127-AD83

#### Petitions for Rulemaking, Defect and Noncompliance Orders; Standards Enforcement and Defect Investigations; Defect and Noncompliance Reports; Record Retention; and Defect and Noncompliance Notification

**AGENCY:** National Highway Traffic Safety Administration, Department of Transportation.

**ACTION:** Response to petitions for extension of effective date of final rule; denial of petitions for extension of time to petition for reconsideration.

**SUMMARY:** In this notice, the National Highway Traffic Safety Administration (NHTSA) rescinds the May 5, 1995, effective date for compliance with the final rule published in the **Federal Register** on April 5, 1995 (60 FR 17254) and adopts a new effective date of July 7, 1995. The rescission of the effective date and adoption of a new effective date applies to all sections of 49 CFR part 552, 554, 573, 576, and 577 that were amended by the final rule.

The agency is taking this action in response to petitions filed by several manufacturers for suspension of the effective date of the final rule. They

have also filed petitions for reconsideration of various provisions of the final rule, which are not addressed by this notice. The agency also denies the petitions of Ford Motor Company to extend the 30-day time period for filing petitions for reconsideration of the final rule to June, and the petition of Chrysler Corporation to extend the time for filing of petitions for reconsideration until July 10, 1995.

**DATES:** The final rule published in the **Federal Register** on April 5, 1995 (60 FR 17254) will become effective on July 7, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jonathan D. White, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5319, Washington, DC 20590; (202) 366-5227.

**SUPPLEMENTARY INFORMATION:** On April 5, 1995, the National Highway Traffic Safety Administration ("NHTSA") published in the **Federal Register** a final rule amending several provisions of its regulations that pertain to its enforcement of the provisions of Chapter 301 of Title 49 of the United States Code, with respect to the statutory obligations to provide notification and remedy without charge for motor vehicles and items of motor vehicle equipment that have been determined not to comply with a Federal motor vehicle safety standard or to contain a defect related to motor vehicle safety. The final rule was to be effective on May 5, 1995.

In the several days prior to the effective date of the final rule, NHTSA received from several manufacturers (General Motors Corporation ("GM"), Ford Motor Company ("Ford"), Chrysler Corporation ("Chrysler") and PACCAR, Inc. ("PACCAR")) petitions for reconsideration of various provisions of the final rule and to suspend the effective date for 60 or 90 days (PACCAR and Chrysler, respectively), or indefinitely (GM and Ford). As grounds for the petitions for a delay in the effective date, the manufacturers assert that compliance by the effective date is impossible, and that it will take them periods ranging from two months to a year to bring themselves into compliance.

While the agency does not believe that either an indefinite or 90-day suspension of the effective date is appropriate or necessary, it has decided to grant the petitions to suspend the effective date to the extent of rescinding the original May 5 effective date and adopting a new effective date of July 7, 1995.

The filing of petitions for reconsideration is not ordinarily considered to be sufficient in itself to warrant postponing the effective date of a final rule. However, the agency believes that in the circumstances presented in this instance, the establishment of a new effective date for this final rule is reasonable and appropriate. The original effective date was May 5, 1995. The manufacturers have presented NHTSA with information that makes a credible showing that they are not capable of achieving compliance with at least some provisions of the final rule by May 5, and that it will be some months before they are able to do so. Moreover, in view of the short time period between the filing of the petitions and the original effective date, it is not feasible and specify merely the particular provisions that appear to present the greatest difficulty.

To address this situation, the agency has decided that, rather than grant the petitions by suspending the effective date indefinitely, it will rescind the May 5, 1995, effective date of the entire final rule and adopt a new effective date of July 7, 1995. If more time is needed for particular provisions, the agency will take appropriate action prior to that time.

The Agency is denying the petitions by Ford and Chrysler to extend the 30-day time period for filing petitions for reconsideration of the final rule. 49 CFR § 553.35. It will, however, treat Ford's letter of April 28, 1995, and Chrysler's letter of May 5, 1995, as petitions for reconsideration.

The agency wishes to note that it does intend to give full and careful consideration to the pending petitions for reconsideration of the final rule. However, it cannot predict what its ultimate decision will be on those petitions. While the petitions are under consideration, it expects the manufacturers to continue to take the steps necessary to bring themselves into compliance with all provisions of final rule as expeditiously as possible.

For the foregoing reasons, the petitions to suspend the effective date of the final rule are granted to the extent that the original effective date is rescinded and a new effective date of July 7, 1995, is adopted.

Issued on: May 8, 1995.

**Ricardo Martinez,**

*Administrator.*

[FR Doc. 95-12011 Filed 5-15-95; 8:45 am]

BILLING CODE 4910-59-M