

Authority: Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

65. Section 90.441 is revised to read as follows:

§ 90.441 Inspection and maintenance of antenna structure marking and associated control equipment.

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

66. Section 90.443 is amended by removing paragraph (c) and redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

XV.

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

67. The authority citation for Part 94 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303 and 332, unless otherwise noted.

68. Section 94.111 is amended by revising the section heading and introductory paragraph to read as follows:

§ 94.111 Inspection and maintenance of antenna structure marking and associated control equipment.

The owner of each antenna structure required to be painted and/or illuminated under the provisions of Section 303(q) of the Communications Act of 1934, as amended, shall operate and maintain the antenna structure painting and lighting in accordance with part 17 of this chapter. In the event of default by the owner, each licensee or permittee shall be individually responsible for conforming to the requirements pertaining to antenna structure painting and lighting.

69. Section 94.113 is removed.

XVI.

PART 95—PERSONAL RADIO SERVICES

70. The authority citation for Part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C 154, 303, unless otherwise noted.

71. Section 95.83 is amended by adding a new paragraph (a)(3) to read as follows:

§ 95.83 Additional information for stations with antennas higher than normally allowed.

(a) * * *

(3) Register the structure by submitting FCC Form 854. The requirements for antenna structure registration, painting, and lighting are found in part 17 of this chapter.

* * * * *

XVII.

PART 97—AMATEUR RADIO SERVICE

72. 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, 201–609, unless otherwise noted.

73. Section 97.15 is amended by revising paragraph (d) to read as follows:

§ 97.15 Station antenna structures.

* * * * *

(d) Further details as to whether an aeronautical study is required or if the structure must be registered, painted, or lighted are contained in part 17 of this chapter, Construction, Marking, and Lighting of Antenna Structures. To request approval to place an antenna structure higher than the limits specified in paragraphs (a), (b), and (c) of this section, the licensee must notify the FAA using FAA Form 7460–1 and the structure owner must register the structure using FCC Form 854.

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[FR Doc. 96–1975 Filed 2–5–96; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 95–51; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision

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

ACTION: Final rule; granting an exemption from average fuel economy standard and establishing an alternative standard.

SUMMARY: This decision is issued in response to a petition filed by Rolls-

Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for its model year (MY) 1997 passenger automobiles, and that lower alternative standards be established for it. This decision exempts Rolls-Royce and establishes an alternative standard of 15.1 mpg for MY 1997 for Rolls-Royce.

DATES: *Effective date:* March 22, 1996. This exemption and the alternative standards apply to Rolls-Royce for MY 1997.

Petitions for reconsideration: Petitions for reconsideration must be received no later than March 22, 1996.

ADDRESSES: Petitions for reconsideration of this rule should refer to the docket number and notice number cited in the heading of this notice and must be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Henrietta Spinner, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington DC 20590. Ms. Spinner's telephone number is: (202) 366–0846.

SUPPLEMENTARY INFORMATION:

Background

NHTSA is exempting Rolls-Royce from the generally applicable average fuel economy standard for 1997 model year (MY) passenger automobiles and establishing alternative standards applicable to Rolls-Royce for each of these model years. This exemption is issued under the authority of section 32902(d) of Chapter 329 of Title 49 of the United States Code (formerly section 502(c) of the Motor Vehicle Information and Cost Savings Act)(49 U.S.C. 32902(d)). Section 32902(d) provides that NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards for passenger automobiles if the agency concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining maximum

feasible average fuel economy, the agency is required by section 32902(f) of the Act to consider:

- (1) Technological feasibility;
- (2) Economic practicability;
- (3) The effect of other Federal motor vehicle standards on fuel economy; and
- (4) The need of the Nation to conserve energy.

Proposed Decision and Public Comment

This final decision was preceded by a proposal announcing the agency's tentative conclusion that Rolls-Royce should be exempted from the generally applicable MY 1997 passenger automobile average fuel economy standard of 27.5 mpg, and that an alternative standard of 15.1 mpg be established for Rolls-Royce for that model year (60 FR 37861; July 24, 1995). The agency did not receive any comments in response to the proposed decision.

NHTSA Final Determination

Therefore, the agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level for Rolls-Royce in MY 1997 is 15.1 mpg, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this exemption, NHTSA hereby exempts Rolls-Royce from the generally applicable passenger automobile average fuel economy standard for the 1997 model year and establishes an alternative standard of 15.1 mpg for Rolls-Royce for that year.

Regulatory Impacts

NHTSA has analyzed this decision, and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Rolls-Royce. If the Departmental policies and procedures were applicable, the agency would have determined that this action is not "significant." The principal impact of this exemption is that Rolls-Royce will not be required to pay civil penalties if it achieves a CAFE level equivalent to the alternative standard established in this notice. Since this decision sets an alternative standard at the level determined to be Rolls-Royce's

maximum feasible average fuel economy, no fuel would be saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which limit the amount of emissions per mile traveled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Rolls-Royce's MY 1997 automobiles cannot achieve better fuel economy than 15.1 mpg, granting this exemption will not affect the amount of gasoline consumed.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Rolls-Royce. It relieves the company from having to pay civil penalties for noncompliance with the generally applicable standard for MY 1997. Since the price of 1997 Rolls-Royce automobiles will not be affected by this decision, the purchasers will not be affected.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is amended to read as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 continues to read as follows:

Authority: 49 U.S.C. 32902, delegation of authority at 49 CFR 1.50.

2. In 49 CFR 531.5, the introductory text of paragraph (b) is republished and paragraph (b)(2) is revised to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

| Model year | Average fuel economy standard (miles per gallon) |
|------------|--|
| 1978 | 10.7 |
| 1979 | 10.8 |
| 1980 | 11.1 |
| 1981 | 10.7 |
| 1982 | 10.6 |
| 1983 | 9.9 |
| 1984 | 10.0 |
| 1985 | 10.0 |
| 1986 | 11.0 |
| 1987 | 11.2 |
| 1988 | 11.2 |
| 1989 | 11.2 |
| 1990 | 12.7 |
| 1991 | 12.7 |
| 1992 | 13.8 |
| 1993 | 13.8 |
| 1994 | 13.8 |
| 1995 | 14.6 |
| 1996 | 14.6 |
| 1997 | 15.1 |

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Issued on: January 30, 1996.

Barry Felrice,
Associate Administrator for Safety Performance Standards.

[FR Doc. 96-2331 Filed 2-5-96; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies the California Highway Patrol's petition to amend Federal Motor Vehicle Safety Standard (FMVSS) 108, Lamps, reflective devices and associated equipment, to include requirements that no visible color other than white be emitted from headlamps at any axis. NHTSA's analysis of the petition concludes that this action would have no effect upon highway safety and would cause many if not all presently complying headlamps to be non-complying.

FOR FURTHER INFORMATION CONTACT: Richard L. Van Iderstine, Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Van Iderstine's telephone number is: (202) 366-5275. His facsimile number is (202) 366-4329.

SUPPLEMENTARY INFORMATION: By letter dated May 31, 1995, Lt. R.B. Wineinger, Acting Commander, Hazardous Materials Section, Department of