Public Health Service Policy on Humane Care and Use of Laboratory Animals, Office of Laboratory Animal Welfare, Office for Extramural Research, NIH (revised September 1986).

Note: This policy is subject to change, and interested persons should contact the Office of Laboratory Animal Welfare, Office for Extramural Research, NIH, Rockledge 1, 6705 Rockledge Drive, Bethesda, Maryland 20817, telephone 301–594–2382 (not a toll-free number) to obtain references to the current version and any amendments.)

[FR Doc. 02–28292 Filed 11–8–02; 8:45 am]

BILLING CODE 4140–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1825

RIN 2700–AC33

Trade Agreements Act—Exception for U.S.-Made End Products

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is proposing to amend the NASA FAR Supplement (NFS) to implement the determination of the Assistant Administrator for Procurement that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act for U.S.-made end products that are substantially transformed in the United States.

DATES: Comments should be submitted on or before January 13, 2003.

ADDRESSES: Interested parties should submit written comments to Patrick Flynn, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments may also be submitted by e-mail to *pflynn@hq.nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Patrick Flynn, (202) 358–0460; e-mail: *pflynn@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

On September 13, 2002, the Assistant Administrator for Procurement determined that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United Sates. The September 13, 2002, determination is consistent with Federal Acquisition Regulation policy and the Department of Defense policy with regard to the treatment of U.S.-made end products.

This proposed rule implements the September 13, 2002, determination. This proposed rule will simplify evaluation of offers in acquisitions subject to the Trade Agreements Act, because it will no longer be necessary to determine if a U.S.-made end product is also a domestic end product, *i.e.*, the cost of domestic components exceeds the cost of all components by more than 50 percent.

This proposed rule is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because NASA has few acquisitions subject to the Trade Agreements Act in which small businesses proposing domestic end products have received a percent price evaluation preference over offers of U.S.-made end products for which the cost of foreign components exceeds the cost of domestic components by 50 percent or more.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose any new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* This proposed rule would eliminate the requirement for offerors to track and document the origin of components of U.S.-made end products in acquisitions subject to the Trade Agreements Act in order to comply with the FAR.

List of Subjects in 48 CFR Part 1825

Government procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR part 1825 is amended as follows:

1. The authority citation for 48 CFR Part 1825 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1825—FOREIGN ACQUISITION

1825.103 [Amended]

2. Amend section 1825.103 by adding paragraph (a)(iii) to read as follows:

1825.103 Exceptions.

(a) * * *

(iii) The Assistant Administrator for Procurement has determined that for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States.

1825.1101 [Amended] (NASA supplements paragraph (c)(1))

3. Amend section 1825.1101 by adding paragraph (c)(1) to read as follows:

1825.1101 Acquisition of supplies.

(c)(1) NASA has determined that the restrictions of the Buy American Act are not applicable to U.S.-made end products.

* * * * *

[FR Doc. 02–28542 Filed 11–8–02; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

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 petition submitted by Valeo, an automotive lighting company in Bobigny, France, to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' to allow headlamps with upper beam contributors to have horizontal and vertical aiming capabilities that are separate from the lower beam contributors.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Flanigan, Office of Rulemaking, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366–4918. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: By a letter dated March 2, 2000, Valeo petitioned the agency to allow visually/optically aimable (VOA) headlamps that have upper beam contributors optically combined with lower beam

contributor(s) to have their own horizontal and vertical aiming mechanisms. None of these upper beam contributor(s) would be a lower beam contributor. Additionally Valeo stated that the light-emitting surface of each of these upper beam contributors would be marked ''VO.''

Currently, paragraphs S7.8.5.3(5)(c) and (d) of FMVSS No. 108 require that, if the upper beam is combined in a headlamp with a lower beam, the vertical and horizontal aim shall not be changed from the aim set using the procedures set forth for aiming of the lower beam. The effect of this requirement is that, as with previous headlamps that have both a lower and upper beam, aiming the lower beam simultaneously aims the upper beam. As such, the complex headlamp is as easy to aim as a simple one. This promotes correct aim to improve seeing, while minimizing glare.

Background

Proper aim is required to ensure that headlamps installed on motor vehicles fulfill the safety functions required by Federal law. There are three principal methods of aiming headlamps. The first is visual and is done by projecting the beam onto a vertical surface and then adjusting the headlamp to an appropriate position. An observer determines this position. The second is optical and is done by projecting the beam into an optical device that is placed in front of the headlamp and then adjusting the headlamp until the beam conforms to the appropriate parameters. Lamps utilizing these two methods are termed visual/optical aim (VOA) headlamps.

The third method of aim is mechanical and is done without activation of the headlamp. In this case, the proper aim is determined through the use of mechanical equipment, either external to the headlamp housing or provided as part of the headlamp. External mechanical aim was introduced in 1955 by the automotive industry in response to aiming concerns expressed by the States. These concerns were related to the inability of the first two methods to provide accurate and repeatably correct aim at that time.

The ability of motor vehicle headlamps to be mechanically aimed has been a requirement of FMVSS No. 108 from its effective date of January 1, 1968. Mechanical aiming was necessary because accurate and reliable visual or optical aim of the lower beam pattern in use in the United States at that time was difficult to achieve. Sealed beam headlamps, the only type permitted until 1983, are required to have one of four aiming pad patterns on the lens for mechanical aiming. These patterns consist of three raised aiming pads arranged as a triangle at specified points on the lens that create a precise interface between the headlamp and a mechanical aiming device attached to the headlamp during the aiming verification process. The mechanical aiming device provides information so that the aiming planes of the headlamps on each side of the vehicle can be adjusted to be parallel with each other and perpendicular to the road surface. Because a headlamp's beam pattern is designed to be correctly aimed when the aiming plane is oriented as stated, the beam pattern can be accurately and repeatably aimed without the need for illuminating the headlamp.

With the advent of replaceable bulb headlamps in 1983, restrictions on the size and shape of headlamps were no longer required. While two additional configurations of mechanical aiming pads were permitted, not all headlamp designs could accommodate them. In response to this problem, the agency has allowed vehicle headlamp aiming devices (VHAD) since June 8, 1989. VHAD is an alternative method of mechanical aim that is not dependent upon an externally applied mechanical device. It is accomplished by mechanical aiming equipment on the vehicle itself.

As a consequence, the vehicle industry requested that the agency allow VOA headlamps, provided that significant visual cues in the beam pattern were added to assure accuracy. Subsequently, VOA headlamps became part of FMVSS No. 108, and headlamps meeting new beam pattern photometric requirements were developed. These headlamps have a beam pattern that is relatively insensitive to modest horizontal misaim. VOA headlamps were allowed based on comments to the agency that vehicles could be built with such close tolerances that no horizontal aim adjustment was necessary. Additionally, no useful visual cue for horizontal aiming exists. Consequently, because no visual cue was available for the purpose of horizontal aiming, the agency did not permit any horizontal movement of VOA headlamps. The lamp is essentially correctly aimed, horizontally, as installed. As an alternative, horizontal-aiming VHADs were permitted on VOA headlamps to meet European specifications that require both a horizontal and vertical aim adjustment. Thus, to be sold in both the European and U.S. markets, a headlamp needs both a horizontal and vertical aiming screw. A VOA headlamp intended for use only in the U.S. market need only have the vertical one.

Petitioner's Rationale

Valeo asserted that the rationale for the current requirements was derived in the 1980s when headlamps with replaceable light sources were first introduced into Federal regulations. At that time, headlamps were not as large as today. Because the majority of these lamps had a flat, rectangular appearance, there were few aspect-related issues. However, today's headlamps have many cavities and are more contoured to the shape of the vehicle body. They also can have somewhat vertical shapes. Because of these characteristics, the orientation of the upper and lower beam contributors becomes more critical to the appearance of the vehicle. On the VOA lamps Valeo is contemplating, the cavities producing the lower beam have vertical aiming capability. However, they would have no horizontal aiming capability unless it is of the VHAD type. When the vertical aim on the lower beam is adjusted, unsightly gaps can be generated in the area between the headlamp housing and the vehicle body. By adding a separate aiming mechanism for the upper beam, these gaps could be eliminated.

Valeo stated that these additional aiming mechanisms on the upper beam would not modify the accuracy of the aim of the lower beam function. Further, it would not modify the accuracy of the aim of the upper beam if lower and upper beam contributors can be illuminated separately. Separate illumination allows the ''hot spot'' of both the upper and lower beam contributors to be placed at the HV point.

Valeo stated that another merit of its petition is that of international harmonization. European regulations do not preclude separate upper and lower beam aiming mechanisms. If the petition was granted and FMVSS No. 108 amended, it would then be possible for manufacturers to produce only one category of headlamp for the whole world market resulting in substantial savings for manufacturers in both tooling costs and manufacturing organization.

Agency Analysis

As part of the justification for amendments allowing VOA headlamps in 1996, vehicle manufacturers indicated that they needed no horizontal aim adjustment because of the present accuracy of vehicle assembly and headlamp positioning on the assembly line. Because of this, and the fact that no reliable scientific

method of achieving horizontal VOA has been determined, two major changes were made to FMVSS No. 108 relating to VOA headlamps: (1) The beam was made to be much wider and much less sensitive to horizontal misaim and, (2) no horizontal aiming screws or mechanisms other than a horizontal VHAD were permitted. Valeo needs separate aim adjustments to be incorporated for the upper beam contributors to maintain a uniform gap around the headlamp housing. As a consequence, it has petitioned to amend the standard to allow the upper beams to have their own horizontal and vertical aiming capabilities. In addition, to make the consumer aware of these additional aiming systems, Valeo recommended that the light emitting surface of each upper beam contributor be marked ''VO.''

In 1996, a Regulatory Negotiation Committee that included representatives of foreign manufacturers worked with the agency over many months to achieve a consensus on all issues and the specific text of the amendment to FMVSS No. 108 to allow VOA headlamps. Because the present aiming requirements, as applied to VOA, were part of that consensus agreement, the agency is reluctant to change these requirements, absent a compelling safety reason to do so.

During the negotiated rulemaking, all of the vehicle manufacturers represented on the committee stated that they were capable of building vehicles as accurately as needed to install VOA headlamps. However, this degree of precision in assembly adds cost.

Valeo's petition is based on two rationales. The first is a desire to have an aesthetically pleasing headlamp by overcoming inaccuracies in the design and assembly of motor vehicles such that the headlamp housing may be purposefully misaimed, within a certain range, to help assure the desired visually symmetric size of the gap between the vehicle body and the headlamp or between the headlamp reflector and the surrounding headlamp housing. The second is to achieve harmonization with European standards.

Given Valeo's, as well as other manufacturers', desire for alternative aiming systems, the agency believes it is incumbent on Valeo and the industry to develop a single, objective method for vertical and horizontal aiming all VOA headlamps which could be incorporated into FMVSS No. 108. The agency does not intend to assess individual manufacturer's petitions for alternatives to the current requirements. The agency recently used a similar rationale to deny a petition from Federal-Mogul Lighting Products (Federal-Mogul) (66 FR 42985). Federal-Mogul petitioned to amend FMVSS No. 108 to allow headlamps that are aimed visually or optically to have a horizontal adjuster system that does not have the required ±2.5 degree horizontal adjustment range or the VHAD indicator required by the standard. In addition, the agency does not expect to give up the value that simultaneous beam aim provides. The agency believes that having simply aimed headlamps generally promotes more correctly aimed headlamps in the field. This is especially important, given the low incidence of periodic headlamp aim inspection in the United States and the likely lower level of experience of the service and inspection technicians and the public.

In accordance with 49 CFR part 552, the agency has reviewed the petition and concluded that it should not be granted. Accordingly, it denies Valeo's petition.

(49 U.S.C. 30118(d) and 30120(h); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 31, 2002.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 02–28558 Filed 11–8–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 021017237–2237–01; I.D. 090302F]

RIN 0648–AQ51

Protocol for Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The NMFS proposes to make available tissue specimen samples to the scientific community for research that is consistent with the goals of the National Marine Mammal Tissue Bank (NMMTB) and the Marine Mammal Health and Stranding Response Program (MMHSRP). The intent of this proposed rule is to allow the scientific community the opportunity to comment on the protocol for requests for tissue specimen samples from the NMMTB.

DATES: Comments must be received by 5 p.m. EST on December 12, 2002. Comments transmitted via e-mail will not be accepted.

ADDRESSES: Submit your comment(s) to Marine Mammal Health and Stranding Response Program (MMHSRP), Program Manager, NOAA, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910–3282. Comments may also be sent via facsimile (fax) to 301–713–0376. To submit e-Comments (see **SUPPLEMENTARY INFORMATION**.)

FOR FURTHER INFORMATION CONTACT: Dr. Teri Rowles, Marine Mammal Health and Stranding Response Program, 301–713–2322 ext 178.

SUPPLEMENTARY INFORMATION:

E-Comments Pilot Program

NMFS encourages the public to participate in this proposed rulemaking by submitting comments. To this end, NMFS is accepting comments by submitted mail, fax, and the Internet as part of its e-Comments pilot project (see **ADDRESSES**). The e-Comments pilot project is designed to introduce electronic rulemaking to NMFS an its constituents. The public is encouraged to use the new web site to compose and submit comments on this proposed rule and the associated supporting documents to help NMFS fully evaluate this new technology. In submitting comments, please include your name and address, indicate if you are commenting on the proposed rule or other rulemaking documents, and give the reason for each comment. If you are commenting on the proposed rule, indicate to which specific section each comment applies. NMFS also invites public comments on the e-Comments program that allows you to submit your comments on line. NMFS will consider all comments received during the comment period, regardless of how they were submitted, and NMFS may make changes in the final rule in consideration of them. Please submit your comments by only one means. Comments received from the public will become part of the public record and will be posted on the e-Comments web site http://ocio.nmfs.noaa.gov/ibrm-ssi/index.shtml after the comment period closes.

Electronic Access

Several of the background documents for the MMHSRP and the NMMTB Specimen Access Policy can be downloaded from the Health and Stranding Response Program web site at