

Road NE., Albuquerque, New Mexico 87107, 505-761-8907.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect an area having potential for development of humate (a carbonaceous shale) from encumbrances due to mining claim location:

New Mexico Principal Meridian

T. 23 N., R. 1 W.,

Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 120 acres in Rio Arriba County.

2. Subject to valid existing rights, the federally reserved mineral interests in the following described land are hereby withdrawn from the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect an area having potential for development of humate (a carbonaceous shale) from encumbrances due to mining claim location:

New Mexico Principal Meridian

T. 23 N., R. 1 W.,

Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ .

The area described contains 680 acres in Rio Arriba County.

3. The surface estate of the land described in paragraph 2 is non-Federal. If the United States subsequently acquires this land, the land will be subject to the terms and conditions of this withdrawal.

4. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

5. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: November 8, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

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BILLING CODE 4310-FB-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 564 and 571

[Docket No. 85-15; Notice 17]

RIN 2127-AF62

### Replaceable Light Source Information; Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

**ACTION:** Final rule.

**SUMMARY:** This fiscal rule adopts amendments to Standard No. 108, the Federal motor vehicle standard on lighting, to facilitate the transfer by NHTSA of all dimensional and specification information on HB Type replaceable light sources for headlamps from the Standard to Docket No. 93-11. This docket has been established as the information docket specified in the regulations for replaceable light source information. This regulatory action is intended to simplify Standard No. 108 while ensuring consistent regulatory treatment of all headlamp replaceable light sources. This final rule also adopts amendments to the regulations for replaceable light source information.

**EFFECTIVE DATE:** The amendments are effective January 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Kenneth O. Hardie, Office of Safety Performance Standards, NHTSA (202-366-6987).

**SUPPLEMENTARY INFORMATION:** This final rule is based upon a notice of proposed rulemaking (NPRM) that was published on March 16, 1995 (60 FR 14247). The NPRM proposed to amend Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to transfer all dimensional and specification information on HB Type headlamp replaceable light sources from the Standard to Docket No. 93-11, the repository established for information on non-HB Types. Corresponding amendments necessary to implement the transfer were also proposed for the information regulation, 49 CFR part 564. For further information, the reader is referred to the NPRM.

Three comments were received on the NPRM. Two commenters, General Motors Corporation (GM) and the American Automobile Manufacturers Association (AAMA), supported the proposal. Advocates for Highway and Auto Safety (Advocates) opposed it.

GM said that it believes that the rule will simplify the approval process and provide consistent treatment for replaceable light sources. AAMA recommended modifications to address what it believes are minor typographical errors and oversights. One of these oversights was the omission of a sentence from 49 CFR 564.5(c) which stated that "[u]pon acceptance [of the information submitted], the Associate Administrator files the information in Docket No. 93-11." NHTSA is ensuring that the final rule contains the language inadvertently omitted from the NPRM. AAMA also brought the agency's attention to an error in a final rule amending paragraph S7.5(e)(2)(i)(B) published on February 13, 1995 (Docket No. 85-15; Notice 14; 60 FR 8199, at 8201) which referred to the "upper" beam in a lower beam context. The paragraph is being amended to refer to the "lower" beam.

AAMA also had further comments of a minor nature to which NHTSA is responding with amendments. In its view, the NPRM did not remove and reserve Figure 3, and that if Figure 3 were removed, its reference in paragraph S7.3.8(c)(2) needs to be deleted. NHTSA proposed the removal and reservation of "Figures 3-1 through 3-11", intending to encompass the entirety of Figure 3. However, "Figure 3" itself is the title to Figures 3-1 through 3-11, and, if not specifically included in the removal language, is apt to remain in the CFR text of Standard No. 108. It is therefore being removed. The reference to "Figure 3" in paragraph S7.3.8(c)(2) was erroneous in the first instance, and is being changed to "Figure 16", Deflectometer, the Figure originally intended.

Under the NPRM, paragraph S7.7(b) would continue to require the use of a white cover during the measurement of luminous flux for Types HB3 and HB4 replaceable light sources, but would no longer reference the specific HB drawings (Figures 19-1 and 20-1) that depict the cover. To avoid ambiguity, paragraph S7.7(b), as amended, will amplify that the white cover is "shown in the HB3 and HB4 drawings filed in Docket No. 93-11."

In addition, AAMA brought to the agency's attention that the proposed revision to Figure 8 did not identify Distance "A" referenced in Section S9. Figure 8, as adopted, will define the reference plane and Distance "A".

Finally, AAMA asked why it is necessary to specify marking of the base of HB bulbs with HB Type designations, as proposed in paragraph S7.7(a), when the transfer of the applicable Figures to part 564 also transfers the HB

designations in the Figures' titles. Base marking of HB Types has always been required under former paragraph S7.7(f). NHTSA believes that it is important to continue to do so, to assist packages of aftermarket bulbs in proper packaging, and to inform purchasers of the contents of a replacement headlamp bulb package.

Advocates, in essence, advanced the view that, when a manufacturer first submits the specifications for a new design to NHTSA, the public must evaluate the light source photometric performance characteristics to determine if the light source for which specifications are submitted is capable of meeting the photometric requirements of Standard No. 108. NHTSA understands Advocates' continuing concern for sufficient illumination of overhead signs by headlamps. However, Advocates' comment reflects a fundamental misunderstanding of how headlamps provide illumination. Compliance with the photometrics of Standard No. 108 is not based upon performance of the light source alone. It is the product of the partnership of the light source, the reflector, and the lens. Standard No. 108 requires each headlamp to comply to its photometric specifications when the appropriate part 564 light source is used in the lens/reflector assembly. The headlamp will then be certified by its manufacturer as complying with Standard No. 108. NHTSA therefore assures Advocates that the process it recommends is not required for motor vehicle safety. Accordingly, the proposal is being adopted virtually as proposed.

This final rule removes from Standard No. 108 those Figures and text that specify dimensional, performance, and electrical specifications for HB Types 1 through 5. NHTSA is placing this information in Docket No. 93-11. The final rule also redefines "replaceable light source" to mean an assembly of a capsule, base, and terminals that is designed to conform to the dimensions, specifications, and marking furnished with respect to it pursuant to Appendix A of part 564. The section on replaceable light sources, S7.7, is revised by removing paragraphs (a) through (e) which refer to the Figures that are deleted. Paragraph (f), which relates to marking, is incorporated into paragraph (h), which is redesignated paragraph (a). Present paragraph (g) is transferred to the introductory text of S7.7, and paragraphs (h) through (k) are redesignated (a) through (d) with minor changes in text. A conforming amendment is made to S9.

In addition, a conforming amendment is made to part 564 to remove the present exclusion of replaceable light sources specified in S7.7 of Standard No. 108.

#### Effective Date

The effective date of the final rule is January 29, 1996. Because the final rule establishes no additional burden on any party and is primarily of an administrative nature, it is hereby found for good cause shown that an effective date for the amendments to Standard No. 108 that is earlier than 180 days after their issuance would be in the public interest.

#### Rulemaking Analyses and Notices

##### *Executive Order 12866 and DOT Regulatory Policies and Procedures*

The Office of Management and Budget has determined that it will not review this rulemaking action under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The purpose of the rulemaking action is an administrative one, to remove regulatory material from Standard No. 108 which the agency will file in a regulatory docket on the subject. Since the rule does not have any significant cost or other impacts, preparation of a full regulatory evaluation is not warranted.

##### *National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. It is not anticipated that the rule will have a significant effect upon the environment. The design and composition of headlamps or light sources will not change from those presently in production.

##### *Regulatory Flexibility Act*

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act. For the reasons discussed above and below, I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles, headlamps, and light sources, those affected by the rulemaking action, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions will not be significantly affected because the price of new

vehicles, headlamps, and light sources will not be impacted.

##### *Executive Order 12612 (Federalism)*

This rulemaking action has also been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and NHTSA has determined that this rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### *Civil Justice (Executive Order 12778)*

The final rule will not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 of Title 49 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Parts 564 and 571

Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 564 and 571 are amended as follows:

#### **PART 564—REPLACEABLE LIGHT SOURCE INFORMATION**

1. The authority citation for part 564 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

2. Section 564.5 is amended by revising paragraphs (a) and (c) to read as follows:

##### **§ 564.5 Information filing; agency processing of filings.**

(a) Each manufacturer of a motor vehicle, original equipment headlamp, or original equipment headlamp replaceable light source, which intends to manufacture a replaceable light source as original equipment or to incorporate a replaceable light source in its headlamps or motor vehicles, shall furnish the information specified in Appendix A of this part to: Associate Administrator for Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, D.C. 20590. Attn: *Replaceable Light Source*

Information Docket No. 93-11, (unless the agency has already filed such information in Docket No. 93-11).

\* \* \* \* \*

(c) The Associate Administrator promptly reviews each submission and informs the manufacturer not later than 30 days after its receipt whether the submission has been accepted. Upon acceptance, the Associate Administrator files the information in Docket No. 93-11. The Associate Administrator does not accept any submission that does not contain all the information specified in Appendix A of this part, or whose accompanying information indicates that any new light source which is the subject of a submission is interchangeable with any replaceable light source for which the agency has previously filed information in Docket No. 93-11.

\* \* \* \* \*

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

1. The authority citation for part 571 is revised to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30177, 30166; delegation of authority at 49 CFR 1.50.

- 2. Section 571.108 is amended by:
  - a. revising the definition of "Replaceable light source" in section S4 to read as set forth below;
  - b. revising the third sentence of paragraph S7.3.8(c)(2) to read as set forth below;
  - c. revising paragraph S7.5(e)(2)(i)(B) to read as set forth below;
  - d. revising paragraph S7.7 to read as set forth below;
  - e. revising the last sentence of S9 as set forth below; and
  - f. removing and reserving Figures 3, 3-1 through 3-11, 19, 19-1 through 19-5, 20, 20-1 through 20-5, 23-1 through 23-7, and 24-1 through 24-9.
  - g. revising Figures 8 and 25 as set forth below.

**§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.**

\* \* \* \* \*

**S4 Definitions.**

\* \* \* \* \*

*Replaceable light source* means an assembly of a capsule, base and terminals designed to conform to the

dimensions, specifications and markings furnished with respect to it pursuant to Appendix A of part 564 *Replaceable Light Source Information* of this chapter.

\* \* \* \* \*

**S7.3.8 Type G headlighting system.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \* A special adapter (Figure 22) for the deflectometer (Figure 16) shall be clamped to the headlamp assembly. \* \* \*

\* \* \* \* \*

**S7.5 Replaceable bulb headlamp system.**

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(i) \* \* \*

(B) By both light sources, designed to conform to the lower beam requirements of Figure 17A.

\* \* \* \* \*

**S7.7 Replaceable light sources.** Each replaceable light source shall be designed to conform to the dimensions and electrical specifications furnished with respect to it pursuant to part 564 of this chapter, and shall conform to the following requirements:

(a) If other than an HB Type, the light source shall be marked with the bulb marking designation specified for it in compliance with section VIII of Appendix A of part 564 of this chapter. The base of each HB Type shall be marked with its HB Type designation. Each replaceable light source shall also be marked with the symbol DOT and with a name or trademark in accordance with paragraph S7.2.

(b) The measurement of maximum power and luminous flux that is submitted in compliance with section VII of Appendix A of part 564 of this chapter shall be made in accordance with this paragraph. The filament shall be seasoned before measurement of either. Measurement shall be made with the direct current test voltage regulated within one quarter of one percent. The test voltage shall be design voltage, 12.8v. The measurement of luminous flux shall be in accordance with the Illuminating Engineering Society of North America, LM-45; *IES Approved Method for Electrical and Photometric Measurements of General Service Incandescent Filament Lamps* (April

1980), shall be made with the black cap installed on Type HB1, Type HB2, Type HB4, and Type HB5, and on any other replaceable light source so designed, and shall be made with the electrical conductor and light source base shrouded with an opaque white cover, except for the portion normally located within the interior of the lamp housing. The measurement of luminous flux for the Types HB3 and HB4 shall be made with the base covered with a white cover as shown in the drawings for Types HB3 and HB4 filed in Docket No. 93-11. (The white cover is used to eliminate the likelihood of incorrect lumen measurement that will occur should the reflectance of the light source base and electrical connector be low).

(c) The capsule, lead wires and/or terminals, and seal on each Type HB1, Type HB3, Type HB4, and Type HB5 light source, and on any other replaceable light source which uses a seal, shall be installed in a pressure chamber as shown in Figure 25 so as to provide an airtight seal. The diameter of the aperture in Figure 25 on a replaceable light source (other than an HB Type) shall be that figure furnished for such light source in compliance with Section IV.B of Appendix A of part 564 of this chapter. An airtight seal exists when no air bubbles appear on the low pressure (connector) side after the light source has been immersed in water for one minute while inserted in a cylindrical aperture specified for the light source, and subjected to an air pressure of 70kPa (10 P.S.I.G.) on the glass capsule side.

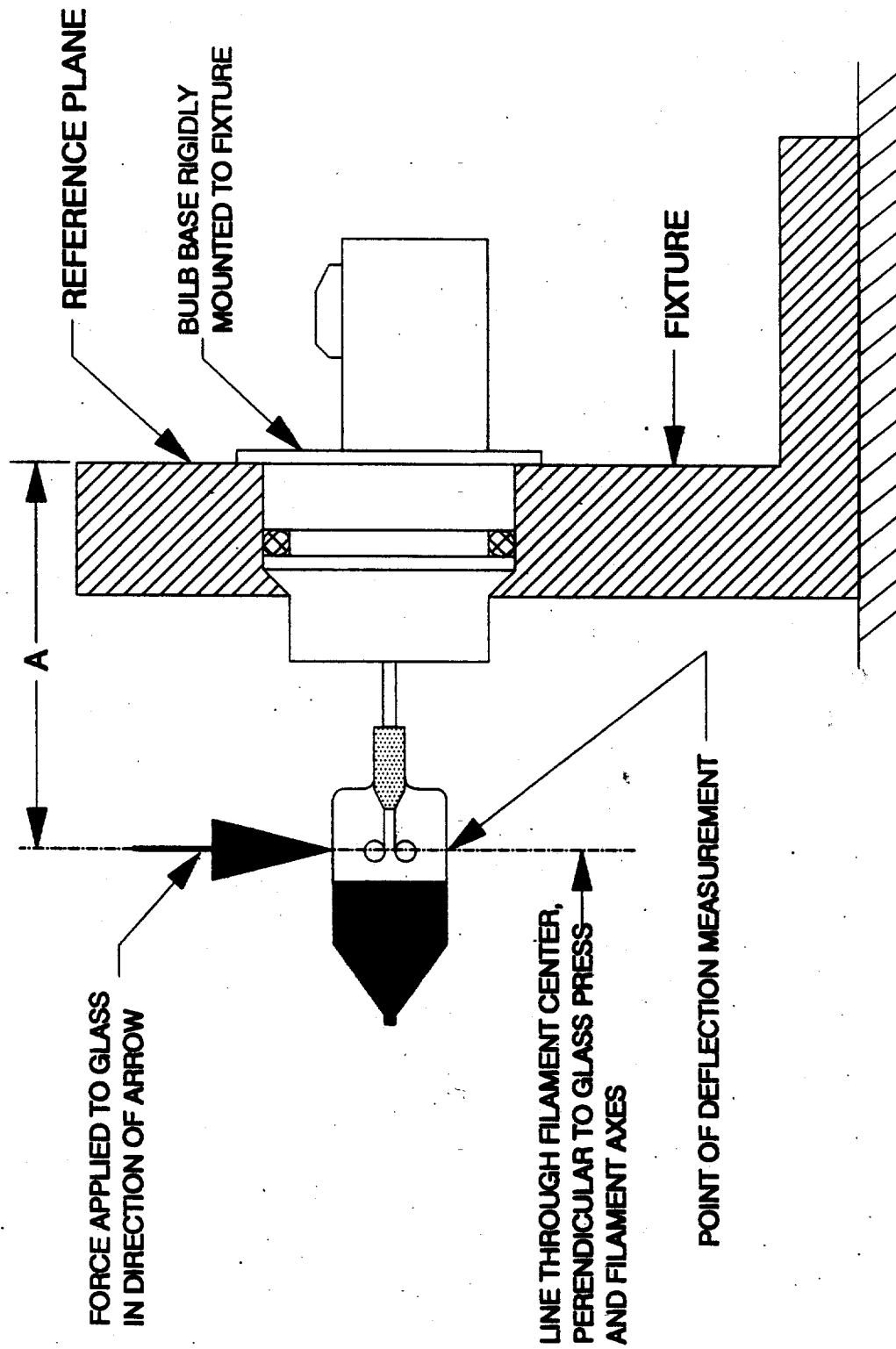
(d) After the force deflection test conducted in accordance with S9, the permanent deflection of the glass envelope shall not exceed 0.13 mm in the direction of the applied force.

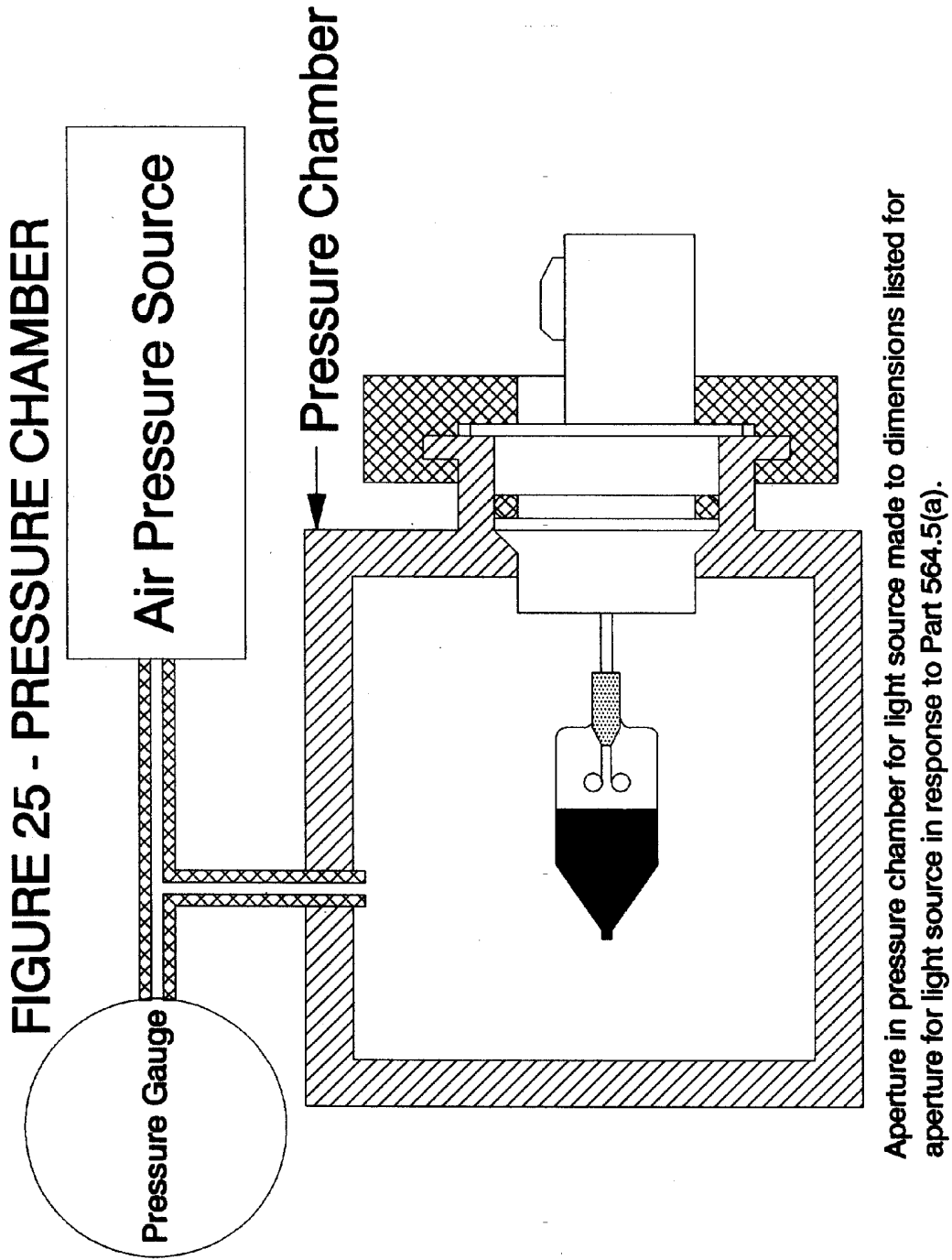
\* \* \* \* \*

**S9 Deflection test for replaceable light sources.** \* \* \* Distance 'A' for a replaceable light source other than an HB Type shall be the dimension provided in accordance with Appendix A of part 564 of this chapter, section I.A.1 if the light source has a lower beam filament, or as specified in section I.B.1 if the light source has only an upper beam filament.

\* \* \* \* \*

**FIGURE 8 - BULB DEFLECTION TEST**





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Issued on: November 13, 1995.

Howard M. Smolkin,

*Executive Director.*

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