applicant demonstrates that such costs would result in undue hardship. The investigation shall include but not be limited to the following:

(i) A review of all records and inspection reports on file with the Bureau of Land Management, State, and local agencies relating to the history and use of the lands covered by a lease and any violations and enforcement problems that occurred during the term of the lease;

(ii) Consultation with the lessee and users of the landfill concerning site management and a review of all reports and logs pertaining to the type and amount of solid waste deposited at the landfill;

(iii) A visual inspection of the leased site; and

(iv) An appropriate analysis of the soil, water and air associated with the area;

(4) The investigation conducted under paragraph (a)(3) of this section must establish that the involved lands contain only those quantities and types of hazardous substances consistent with household wastes, or wastes from conditionally exempt small quantity generators (40 CFR 261.5), and there is a reasonable basis to believe that the contents of the leased disposal site do not threaten human health and the environment; and

(5) The applicant shall present certification from the State agency or agencies responsible for environmental protection and enforcement that they have reviewed all records, inspection reports, studies, and other materials produced or considered in the course of the investigation and that based on these documents, such agency or agencies agree with the authorized officer that the contents of the leased disposal site in question do not threaten human health and the environment.

(b) The authorized officer shall not convey lands identified in paragraph (a) of this section if the investigation concludes that the lands contain hazardous substances at concentrations that threaten human health and the environment.

(c) The authorized officer shall retain as permanent records all environmental analyses and appropriate documentation, investigation reports, State certifications, and other materials produced or considered in determining the suitability of public lands for conveyance under this section.

§ 2743.3-1 Patent provisions for leased disposal sites.

Each patent for a leased disposal site will provide that:

(a) The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances;

(b) The patentee shall indemnify and hold harmless the United States against any legal liability or future costs that may arise out of any violation of such laws; and

(c) No portion of the land covered by such patent shall under any circumstance revert to the United States.

§ 2743.4 Patented disposal sites.

(a) Upon request by or with the concurrence of the patentee, the authorized officer may renounce the reversionary interests of the United States in land conveyed on or before November 9, 1988, and rescind any portion of any patent or other instrument of conveyance inconsistent with the renunciation upon a determination that such land has been used for solid waste disposal or for any other purpose that the authorized officer determines may result in the disposal, placement, or release of any hazardous substance.

(b) If the patentee elects not to accept the renunciation of the reversionary interests, the provisions contained in §§ 2741.6 and 2741.9 shall continue to apply.

[FR Doc. 92-17309 Filed 7-22-92; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flood and location	#Depth in feet above ground. *Elevation in feet
ILLINOIS	
Huntley (Village), McHenry and Kane Counties (FEMA Docket No. 7006)	
South Branch Kishwaukee River:	
About 950 feet upstream of mouth	*870
About 2200 feet upstream of Chicago and North Western railroad	*879
Maps available for inspection at the Village Administrator's Office, Village Hall, 11704 Coral Street, Huntley, Illinois.	
NEW YORK	
Mamakating (Town), Sullivan County (FEMA Docket No. 7042)	
Basher Kill:	
Approximately 250 feet upstream of confluence of Gumaer Brook	*532
To a point approximately 1,050 feet upstream of the confluence of Gumaer Brook	*533
Gumaer Brook:	
At confluence with Basher Kill	*530
Approximately 125 feet upstream of U.S. 209	*579
Maps available for inspection at the Town Hall, Route 209, Wurtsboro, New York.	
Sackets Harbor (Village), Jefferson County (FEMA Docket No. 7042)	
Mill Creek:	
At confluence with Lake Ontario	*249
Approximately 575 feet upstream of corporate limits	*279
Lake Ontario: Entire shoreline within community	*249
Maps available for inspection at the Village Office, 112 North Broad Street, Sackets Harbor, New York.	
PENNSYLVANIA	
Peters (Township), Franklin County (FEMA Docket No. 7040)	
Johnston Run:	
Approximately 275 feet downstream of T-404 (Edwards Drive)	*517
Approximately 350 feet upstream of Farm Access Road	*572
Maps available for inspection at the Peters Township Building, 5000 Steele Avenue, Lemasters, Pennsylvania.	
VIRGINIA	
Virginia Beach (City), Independent City (FEMA Docket No. 7042)	
Canal No. 2—London Bridge Creek:	
Approximately .8 mile upstream of Shipps Corner Road	*7
Approximately 0.5 mile upstream of Potters Road	*8
Canal No. 2—West Neck Creek:	
Approximately 0.5 mile upstream of Indian River Road	*5
Approximately 1.7 miles upstream of confluence of Colony Acres canal	*7
Holland Road Corridor System:	
At confluence with Green Run Canal	*8
Approximately 200 feet upstream of Rosemont Road	*8
Green Run Canal:	
At confluence with Canal No. 2—London Bridge Creek	*8
At downstream side of Lynnhaven Parkway	*9
Colony Acres Canal:	
At confluence with Canal No. 2—West Neck Creek	*7
Approximately 1,250 feet upstream of confluence with Canal No. 2—West Neck Creek	*7
Maps available for inspection at the Virginia Beach City Hall, Department of Public Works, City Engineering Office, Municipal Center, Virginia Beach, Virginia.	
WEST VIRGINIA	
Charles Town (City), Jefferson County (FEMA Docket No. 7042)	
Evitts Run:	
Approximately .85 mile downstream of U.S. Route 340	*468
Approximately 650 feet upstream of upstream corporate limits	*495
Maps available for inspection at the Charles Town City Hall, 218 East Congress Street, Charles Town, West Virginia.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: July 15, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-17397 Filed 7-22-92; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[FCC 92-310]

Space Station Operation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the amateur service rules to specify that any amateur station may be a space station. A space station is an amateur station that is located more than 50 km above the Earth's surface and that transmits on frequencies allocated to the amateur-satellite service. These amendments are necessary so that the public will have a more highly-trained pool of operators and electronic experts available in emergencies. It is also necessary so that the Commission will not have to issue waivers to astronauts who want to operate their amateur stations in space, but who are not eligible currently because they do not hold the required class of operator license. The effect of this rule amendment is to provide an additional privilege for most amateur operators.

EFFECTIVE DATE: September 23, 1992.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of the Amateur Radio Services Rules (Part 97) Concerning Space Station Operation.

[RM-7934 and RM-7957]

Order

Adopted: July 1, 1992.

Released: July 17, 1992.

By the Commission:

1. In this *Order*, we are amending the amateur radio services rules to authorize any amateur operator to be the licensee of a space station.[1] Section 97.207(a) of the Commission's Rules, 47 CFR 97.207(a), currently provides that only an Amateur Extra Class operator may be the licensee of a space station. Amateur Extra is the highest grade of the five classes of amateur operator license.[2]

[1] A space station is an amateur station located more than 50 km above the Earth's surface that transmits on frequencies allocated to the amateur-satellite service.

[2] The other classes of amateur operator licenses are: Novice, Technician, General, and Advanced. As

Continued

2. On March 3, 1992, Neal A. Osborn filed rule making petition RM–7957. He requests that any amateur station be permitted to transmit from space. He also requests that "spacecraft" be included within the definition of "ship" in order to subject them to the restrictions pertaining to amateur stations aboard ships contained in § 97.11 of the Commission's Rules, 47 CFR 97.11. On March 5, 1992, Jim D. Haynie filed petition for rule making RM–7934. He also requests that any amateur station be permitted to transmit from space. Both petitioners note that waivers of Section 97.207(a) have been granted where astronauts holding lower classes of operator license sought permission for their amateur stations to be space stations.

3. We believe that amending the rules to permit any amateur station to transmit from space would benefit both the amateur community and the public. Amateur operators would have greater access to space telecommunications technology. The public would have a more highly-trained pool of operators and electronics experts available in emergencies. Additionally, the Commission would benefit because rule waivers to astronauts who want to operate their amateur stations in space would not have to be issued. We do not agree, however, that a spacecraft should be defined as a "ship." Our rules will continue to follow the definition of space station which is contained in the international Radio Regulations.[3] Further, we note that the volunteer-examiner coordinators (VECs) can rearrange in their pools the necessary questions concerning proper operation of a space station.[4]

4. This rule amendment would provide an additional privilege for most amateur operators. It is expected to be non-controversial and is considered to be a minor rule amendment in which the public is not particularly interested. We find, therefore, for good cause, that compliance with the notice and comment procedure of the Administrative Procedure Act is unnecessary. See 5 U.S.C. § 553(b)(B).

5. Accordingly, *it is ordered that* effective September 23, 1992, Part 97 of the Commission's Rules, 47 CFR part 97, *is amended* as set forth below. Authority for this action is found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

6. Pursuant to the authority contained in 47 U.S.C. 154(i), *it is further ordered* That the petitions for rule making of Neal A. Osborn and Jim D. Haynie *are granted* as indicated herein and *are denied* in all other respects.

7. For information concerning this Order contact Maurice J. DePont, Private Radio Bureau, (202) 632–4964.

List of Subjects in 47 CFR Part 97

Radio, Space station.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Change

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

PART 97—[AMENDED]

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

Authority citation: 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 97.207(a) is revised to read as follows:

§ 97.207 Space Station.

(a) Any amateur station may be a space station. A holder of any class operator license may be the control operator of a space station, subject to the privileges of the class of operator license held by the control operator.

* * * * *

[FR Doc. 92–17316 Filed 7–22–92; 8:45 am]

BILLING CODE 6712–01–M

of March 31, 1992, there were 555,989 amateur operators licensed by the Commission, including 58,543 who held the Amateur Extra Class operator license.

[3] See Radio Regulation No. 61, Geneva (1979). See also § 97.3(a)(36) of the Commission's Rules, 47 CFR § 97.3(a)(36).

[4] The VECs maintain the question pools for the amateur operator license examinations. Section 97.503(b) of the Commission's Rules, 47 CFR 97.503(b), requires that each written examination be structured so as to prove that an examinee possesses the operational and technical qualifications required to perform properly the duties of the class of operator license sought. The questions concerning space stations include frequencies authorized, types of transmissions, telecommand provisions, and notifications.

DEPARTMENT OF DEFENSE

48 CFR Parts 223 and 252

Defense Federal Acquisition; Regulation Supplement; Drug-Free Work Force

AGENCY: Department of Defense (DOD).

ACTION: Interim final rule.

SUMMARY: The Department of Defense is removing the drug-free work force final rule and reinstating the interim rule that was published as subpart 223.5. of the Defense Federal Acquisition Regulation Supplement on July 31, 1991 (56 FR 36280).

EFFECTIVE DATE: July 16, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Linda W. Neilson, Procurement Analyst, DAR Council, (703) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

The interim rule was originally published in the **Federal Register** on September 28, 1988 (53 FR 37763). Sixty-three comments were received from thirty-five respondents to the rule. After review of the public comments, and internal coordination, the rule was finalized on November 27, 1991 (56 FR 60066). Since the final rule was a significant departure from the interim rule, a question was raised as to whether the public was given adequate opportunity to express and have its views considered in the development of the final rule. Consequently, the decisions has been made to remove the final rule, reinstate the interim rule, and to publish the removed final rule as a proposed rule with a request for comments. The notice of proposed rule with request for comments is published elsewhere in this **Federal Register** edition. The removal of the final rule and reinstatement of the interim were effective July 16, 1992, upon issuance of Departmental Letter 92–006.

B. Regulatory Flexibility Act

When the interim rule was originally published on September 28, 1988 (53 FR 37663), the rule was not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, thus we did not perform an initial regulatory flexibility analysis at that time. However, our current assessment is that the interim rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because the rule requires contractors to institute and maintain a program for achieving the objective of a drug-free work force. An initial regulatory flexibility analysis has been prepared and is summarized as follows.

The interim rule applies to all businesses, large and small, with DoD contracts that require contractor employees to have access to classified information, or to be in positions which the contractor determines involve national security, health or safety, or

which require a high degree of trust and confidence. In addition, the clause may be inserted in contracts in which the requirement is determined by the contracting officer to be necessary for reasons of national security or for the purpose of protecting the health or safety of those using or affected by the product of, or performance of, the contract. The requirement does not apply to contracts for commercial or commercial-type products, or for contracts which require performance or partial performance outside the U.S., its territories, and possessions, unless the contracting officer determines inclusion of the requirement to be in the best interest of the Government. A copy of the Initial Regulatory Flexibility Analysis has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from Mrs. Linda W. Neilson, Defense Acquisition Regulations System, 3062 Defense Pentagon, Washington, DC 20301-3062. Comments from small entities concerning the affected DFARS Subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR case 88-083 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 223 and 252

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 223 and 252 are amended as follows:

1. The authority citation for 48 CFR parts 223 and 252, continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, and Defense FAR Supplement 201.301.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

2. Subpart 223.5, consisting of sections 223.570 through 223.570-3, is revised to read as follows:

SUBPART 223.5—DRUG-FREE WORKPLACE

223.570 Drug-free work force.

223.570-1 Definitions.

"Employee in a sensitive position" and "illegal drugs," as used in this section, are defined in the clause at 252.223-7004, Drug-Free Work Force.

223.570-2 Policy.

DoD policy is to ensure that its contractors maintain a program for achieving a drug-free work force.

223.570-3 General.

(a) The use of illegal drugs is inconsistent with the law-abiding behavior expected of all citizens. Employees who use illegal drugs tend to be less productive, less reliable, and prone to greater absenteeism. The use of illegal drugs by contractor employees results in the potential for increased cost, delay, and risk in the performance of a Government contract.

(b) If a contractor's employees use illegal drugs at any time, it can—

(1) Impair their ability to perform tasks that are critical to proper contract performance;

(2) Increase the potential for accidents and for failures that can pose a serious threat to the national security, health, and safety;

(3) Cause less than the complete reliability, stability, and good judgment required of an individual who has access to sensitive information;

(4) Create the possibility of coercion, influence, and irresponsible action under pressure that may post a serious risk to national security, health, and safety.

223.570-4 Contract clause.

(a) Use the clause at 252.223-7004, Drug-Free Work Force, in all solicitations and contracts—

(1) That involve access to classified information; or

(2) When the contracting officer determines that the clause is necessary for reasons of national security or for the purpose of protecting the health or safety of those using or affected by the product of, or performance of, the contract.

(b) Do not use the clause in solicitations and contracts for—

(1) Commercial or commercial-type products (see FAR 11.001); or

(2) Performance or partial performance outside the United States, its territories, and possessions, unless the contracting officer determines such inclusion to be in the best interest of the Government.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.223-7004 is revised to read as follows:

252.223-7004 Drug-Free Work Force.

As prescribed in 223.570-4, use the following clause:

Drug-Free Work Force (SEP 1988)

(a) *Definitions.* (1) *Employee in a sensitive position,* as used in this clause, means an employee who has been granted access to classified information; or employees in other positions that the Contractor determines involve national security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence.

(2) *Illegal drugs,* as used in this clause, means controlled substances included in Schedules I and II, as defined by section 802(6) of title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

(b) The Contractor agrees to institute and maintain a program for achieving the objective of a drug-free work force. While this clause defines criteria for such a program, contractors are encouraged to implement alternative approaches comparable to the criteria in paragraph (c) that are designed to achieve the objectives of this clause.

(c) Contractor programs shall include the following, or appropriate alternatives:

(1) Employee assistance programs emphasizing high level direction, education, counseling, rehabilitation, and coordination with available community resources;

(2) Supervisory training to assist in identifying and addressing illegal drug use by Contractor employees;

(3) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues;

(4) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis. Employee drug testing programs shall be established taking account of the following:

(i) The Contractor shall establish a program that provides for testing for the use of illegal drugs by employees in sensitive positions. The extent of and criteria for such testing shall be determined by the Contractor based on considerations that include the nature of the work being performed under the contract, the employee's duties, the efficient use of Contractor resources, and the risks to health, safety, or national security that could result from the failure of an employee adequately to discharge his or her position.

(ii) In addition, the Contractor may establish a program for employee drug testing—

(A) When there is a reasonable suspicion that an employee uses illegal drugs; or

(B) When an employee has been involved in an accident or unsafe practice;

(C) As part of or as a follow-up to counseling or rehabilitation for illegal drug use;

(D) As part of a voluntary employee drug testing program.

(iii) The Contractor may establish a program to test applicants for employment for illegal drug use.

(iv) For the purpose of administering this clause, testing for illegal drugs may be limited to those substances for which testing is prescribed by section 2.1 of subpart B of the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (53 FR 11980 (April 11 1988)), issued by the Department of Health and Human Services.

(d) Contractors shall adopt appropriate personnel procedures to deal with employees who are found to be using drugs illegally. Contractors shall not allow any employee to remain on duty or perform in a sensitive position who is found to use illegal drugs until such times as the Contractor, in accordance with procedures established by the Contractor, determines that the employee may perform in such a position.

(e) The provisions of this clause pertaining to drug testing program shall not apply to the extent they are inconsistent with state or local law, or with an existing collective bargaining agreement; provided that with respect to the latter, the Contractor agrees that those issues that are in conflict will be a subject of negotiation at the next collective bargaining session.

(End of clause)

[FR Doc. 92-17314 Filed 7-22-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91-12; Notice 2]

RIN 2127-AD98

Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Final rule.

SUMMARY: This notice amends Motor Vehicle Safety Standard No. 108 to permit "Combination Headlighting Systems," headlighting systems in which the upper and lower beams can be provided by two types of dissimilar headlamps, or by combining aspects of performance of the two types within a single headlamp. A vehicle manufacturer may select upper and lower beam providers from three types of dissimilar headlighting systems: Type F sealed beam, integral beam, and replaceable bulb, provided that the individual headlamps are designed to conform to the photometrics of Figures 15 or 17 of Standard No. 108. The rule will further promote implementation of high intensity discharge headlighting technology in the relatively near future, which currently may be implemented only as an integral beam system.

DATE: The effective date of the rule is August 24, 1992.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Rulemaking, NHTSA (202-366-5276).

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, presently allows motor vehicles to be equipped with one of three types of headlighting systems. These are sealed beam systems as specified by S7.3 (Types A through H), integral beam systems as specified by S7.4, and replaceable bulb systems as specified by S7.5.

In response to recent requests for interpretation from two headlamp manufacturers, Koito Manufacturing Co. (Koito), and Hella KG Hueck (Hella), and a lighting engineer, Gordon Bonvallet, NHTSA advised that Standard No. 108 required that both the upper and lower headlamp beams for a vehicle be provided by the same headlighting system. Foreseeing such an interpretation, Koito asked that its letter be treated as a petition for rulemaking to allow intermixing of headlighting systems, so that the upper beam and lower beam could be provided by headlamps from different headlighting systems. After Hella received its interpretation, it petitioned for similar rulemaking. Koito, Hella, and Mr. Bonvallet inquired with respect to specific headlighting system designs. In the Koito system, the lower beam would be provided by a replaceable bulb headlamp and the upper beam by an integral beam lamp, either as separate headlamps, or combined as a single headlamp. In the Hella and Bonvallet systems, the lower beam would be provided by an integral beam headlamp, and the upper beam by a replaceable bulb headlamp combined as a single headlamp. NHTSA granted these petitions, and implemented the grants through a notice of proposed rulemaking published on September 19, 1991 (56 FR 47436).

As NHTSA stated in that notice, it has been the agency's goal for a number of years to reduce regulatory restrictions inhibiting design freedom in motor vehicle lighting if those restrictions are not necessary for safety. After reviewing its specifications for headlamps and the comments received in response to the NPRM, NHTSA has determined that some intermixing of headlamp systems may be allowed without apparent effect upon safety, and that such may be accomplished by relatively simple amendments to Standard No. 108.

By way of review, the headlamps and associated photometrics initially specified by Standard No. 108 were those of the Society of Automotive Engineers (SAE), specifically, headlamps of sealed beam design and photometrics of SAE Standard J579. These specifications do not provide for use of the lower beam during upper beam use. During the 1980's, headlamp manufacturers developed systems in which the lower beam can be used to supplement the upper beam should vehicle manufacturers desire the performance afforded by such usage. NHTSA amended Standard No. 108 to allow headlamps of new design, and adopted modified photometric specifications (Figure 15 for four-lamp systems, Figure 17 for two-lamp systems). This allows the lower beam lamp to remain illuminated when the upper beam lamp is energized in four-lamp systems. For two-lamp systems using Figure 17 photometrics, Standard No. 108 permits a manufacturer to design each lamp using one or two light sources to produce the lower beam, the upper beam, or both beams; this means that the designer may choose to use the outboard light sources for meeting the lower beam requirements and both light sources for meeting the upper beam requirements, thus achieving the same look or performance as in four-lamp systems. Thus, in the past 10 years Standard No. 108 has been amended to allow Types E through H sealed beam headlamps, replaceable bulb headlamps (with Type HB1 through HB5 light sources), and integral beam systems. Type F sealed beam headlamps must meet the photometrics of Figure 15. Replaceable bulb headlamps with Type HB2, HB3, and HB4 light sources must meet the photometrics of Figures 15/17. Integral beam headlamps may meet the photometry requirements of either Figures 15/17 or SAE J579 DEC84. Headlamps with only HB1 or HB5 light sources, and all sealed beam headlamps other than Type F must meet the photometry requirements of SAE J579 DEC84. Headlamps with HB1 and HB5 light sources used in combination with any light source other than HB1 or HB5 must meet the photometry of Figures 15/17.

The agency directed its proposal to those headlighting systems designed to conform with Figures 15/17 for two reasons. First, the Koito and Bonvallet systems would incorporate headlamps