

amends the delegations to be in accordance with the transfer. Included among the delegations is the authority to make and amend whatever regulations are necessary to carry out the provisions of 49 U.S.C. 40101 *et seq.*, formerly the Federal Aviation Act of 1958, as amended. (Pub. L. 103-272, enacted July 5, 1994, revised and recodified the Federal Aviation Act within Subtitle VII of Title 49.) We will publish another final rule that will redesignate the Department's regulation that sets forth the authority of the Director of OAIM and will revise those portions of the CFR that still refer to RSPA and OAIM with respect to the aviation information program.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Because the date of the transfer of responsibility for the aviation information program is May 28, 1995, that is the effective date of this rule.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.2 [Amended]

2. Section 1.2 is amended by adding a new paragraph (j) to read as follows:

* * * * *

(j) The Director of the Bureau of Transportation Statistics.

§ 1.3 [Amended]

3. Section 1.3(b) is amended by adding a new paragraph (b)(10) to read as follows:

* * * * *

(10) The Bureau of Transportation Statistics, headed by the Director.

§ 1.4 [Amended]

4. Section 1.4 is amended by adding a new paragraph (l) to read as follows:

* * * * *

(l) *The Bureau of Transportation Statistics.* Is responsible for:

(1) Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and total (including industrywide aggregates and multiyear

averages) of transportation-related information;

(2) Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials, a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system;

(3) Issuing guidelines for the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(4) Coordinating the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) with related information-gathering activities conducted by the other Federal departments and agencies collecting appropriate data not elsewhere gathered;

(5) Making the statistics published under this subsection readily accessible, in compliance with all disclosure laws, regulations, and requirements; and.

(6) Identifying information that is needed in accordance with 49 U.S.C. 111(c)(1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

§ 1.53 [Amended]

5. Section 1.53(g) is removed and reserved.

6. A new § 1.71 is added as follows:

§ 1.71 Delegations to the Director of the Bureau of Transportation Statistics.

The Director of the Bureau of Transportation Statistics is delegated authority to exercise powers and perform duties under the following statutes:

(a) *Aviation information.* (1) 49 U.S.C. 329(b)(1), relating to collection and dissemination of information on civil aeronautics;

(2) Section 4(a)(7) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443), relating to the reporting of the extension of unsecured credit to political candidates (section 401, Federal Election Campaign Act of 1971; 2 U.S.C. 451), in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs; and

(3) 49 U.S.C. 40113 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 49 U.S.C. 41702 (relating to the duty of carriers to provide safe and adequate service), 49 U.S.C. 41708 and 41709 (relating to the requirement to keep information and the forms in which it is to be kept), and 49 U.S.C. 41701 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) as appropriate to carry out the responsibilities under this paragraph in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs.

(b) [Reserve].

Issued at Washington, DC this 25th day of May 1995.

Federico Peña,

Secretary of Transportation.

[FR Doc. 95-13877 Filed 6-7-95; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-59; Notice 2]

RIN 2127-AE58

Federal Motor Vehicle Safety Standards; Brake Hoses and Motor Vehicle Brake Fluids

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

ACTION: Final rule.

SUMMARY: This rule amends Federal Motor Vehicle Safety Standards No. 106, *Brake hoses*, and No. 116, *Motor vehicle brake fluids* to specify a new referee material to be used in the compatibility testing of brake hoses and brake fluids. Referee material is used to test specimens of brake hose and fluid for compliance with the standards' requirements. This action is necessary because the present referee material, RM-66-03, will become commercially unavailable. The intended effect of this rule is to ensure the continued availability of the referee material used to test brake hoses and fluids.

DATES: *Effective Date:* This final rule is effective July 10, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 10, 1995.

Petitions for Reconsideration: Any petition for reconsideration of this final

rule must be received by NHTSA not later than July 10, 1995.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice numbers set forth at the beginning of this rule and be submitted to the following: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested, but not required, that 10 copies of any petition be submitted.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW Washington, D.C. 20590. Mr. Carter's telephone number is: (202) 366-5274.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standards No. 106, *Brake hoses*, and No. 116, *Motor vehicle brake fluids*, specify performance requirements for brake hoses and motor vehicle brake fluid. Included in the performance requirements for Standard No. 106 is a brake fluid compatibility test, and included in Standard No. 116 are compatibility and chemical stability tests. The procedures for the compatibility and chemical stability tests currently reference the referee material brake fluid specified by the Society of Automotive Engineers (SAE) in J1703. SAE develops, blends, packages, and distributes referee material fluids for use by NHTSA and others for these tests.

Brake fluid compatibility is considered an important factor in establishing brake hose life and strength characteristics. Standard No. 106's compatibility test measures hydraulic brake hose compatibility with brake fluid. The brake hose that is being tested is filled with the SAE Compatibility Fluid for a specified number of hours at specified temperatures, and then is subjected to constriction and burst strength tests. The current compatibility fluid—RM-66-03 Compatibility Fluid (i.e., "RM-66-03")—is referenced in the test procedures for the standard's brake fluid compatibility test.

Standard No. 116's compatibility requirements determine the compatibility of brake fluid used in motor vehicles with a referee material. The SAE compatibility fluid that is used in these tests as a referee material should be representative of the fluids found in a braking system in service. The tests measure the compatibility of fluids of different chemical bases by checking whether there are undesirable chemical interactions resulting from the mixture of fluids. Section S6.10 determines the compatibility of a brake

fluid with other brake fluids. This section currently references RM-66-03 compatibility fluid as the referee material used in the test procedure.

The current compatibility fluid, RM-66-03, is a blend of four proprietary, commercial brake fluids: Dow HD50-4, Delco Supreme II, Dow 455, and Olin HDS-79. However, because one of these fluids is no longer available and a second one will soon be removed from the market, this compatibility fluid is no longer being produced. Existing quantities of the compatibility fluid have been exhausted. The SAE has already replaced RM-66-03 with a new referee material, RM-66-04.

Rulemaking Petition and Proposal

On December 27, 1991, SAE petitioned the agency to amend portions of Standard No. 106 and Standard No. 116 to specify the RM-66-04 referee material in place of the then used, but soon to be outdated, RM-66-03 compatibility fluid. The RM-66-04 material was developed specifically for the SAE J1703 *Motor Vehicle Brake Fluid* standard. It consists of four American, one Asian and one European fluid, blended equally by volume.

NHTSA proposed amending Standard Nos. 106 and 116 to specify the use of RM-66-04 referee material in place of RM-66-03. 57 FR 49162, October 30, 1992. The agency tentatively concluded that the new compatibility fluid should be specified in the standard since it will be commercially available and the current fluid would not. The agency further believed that the new referee material would be more representative of fluids that will be in service. The agency noted that the International Standards Organization (ISO) is also proposing to use RM-66-04, and that use of the same material would be consistent with international harmonization.

The agency also proposed that the change to the RM-66-04 compatibility fluid be effective on January 1, 1995, but that optional use of RM-66-04 would be permitted 30 days after publication of a final rule. The effective date is discussed further in the "Effective date" section.

Comments on the NPRM

In response to the NPRM, the agency received comments from Chrysler, Ford and General Motors. All three commenters supported the wording of the proposed regulatory text. Ford supported the proposed effective date of the amendment and the proposal to permit optional compliance.

Agency Decision

Since all comments supported its proposals, NHTSA adopts the proposals as final. Accordingly, the agency amends S5.3.9 and S6.7.1(a) of Standard No. 106, and S6.5.4.1 through S6.5.4.3, S6.10.1 through S6.10.3(a), and S7.2 of Standard No. 116. In addition, this final rule incorporates by reference Appendix B of SAE Standard J1703 JAN 1995, "Motor Vehicle Brake Fluid." This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. Copies may be inspected at the NHTSA Docket Room, 400 Seventh Street, S.W., Room 5109, Washington, D.C. 20590. (Docket hours are 9:30 a.m. to 4 p.m. Monday through Friday), or at the Office of the Federal Register, 800 North Capitol St., N.W., Suite 700, Washington, D.C.

No adverse impact on safety is anticipated from the use of the new referee material in the test procedures of Standards No. 106 and 116. On the contrary, since the RM-66-03 compatibility fluid is no longer commercially available, ascertaining whether hoses and fluids comply with criteria related to compatibility and boiling points will be difficult. Amending the standards to allow the use of RM-66-04 compatibility fluid in place of RM-66-03 ensures that a compatibility fluid representative of today's brake fluids is readily available for the compliance tests of those standards.

Effective Date

There is good cause for the effective date for this rule. The agency believes an expedited effective date is appropriate since the RM-66-03 material is no longer being produced. Since RM-66-03 is no longer available, manufacturers should be permitted the option of using the new RM-66-04 compatibility fluid almost immediately. This rule permits manufacturers to use the RM-66-04 compatibility fluid 30 days after publication of this rule.

Rulemaking Analyses and Notice

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule was not reviewed under E.O. 12866, "Regulatory Planning and Review." NHTSA has considered the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures. The agency believes that a

full regulatory evaluation is not required because the rule will have only minimal economic impacts. The rule will only have a minimal cost impact on manufacturers and users of brake fluids because one referee material will merely replace another referee material. No change is expected in the cost of the new referee material. RM-66-03 fluid was sold at \$8.00 per quart. The agency anticipates that RM-66-04 fluid will be sold at the same price.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the final rule would not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. The final rule only specifies that manufacturers of brake fluid are to substitute one type of referee material for another type of referee material. Therefore, there should be no cost impacts that would affect the purchase price of brake hoses or brake fluid. Thus, neither manufacturers of motor vehicles, nor small businesses, small organizations, and small governmental units which purchase motor vehicles, would be significantly affected by the amendment.

3. National Environmental Policy Act

The agency has also considered the environmental implications of this final rule in accordance with the National Environmental Policy Act of 1969 and determined that the final rule would not significantly affect the human environment.

4. Executive Order 12612 (Federalism)

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. It has been determined that the final rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. No state laws would be affected.

5. Civil Justice Reform

This final rule would not have any retroactive effect. Under 49 U.S.C. section 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, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. section 30161 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 Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR Part 571 is amended as follows.

1. The authority citation for Part 571 continues to read as follows:

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

§ 571.189 [Amended]

2. In Section 571.106, S5.3.9 and paragraph (a) of S6.7.1 are revised to read as follows:

* * * * *

S5.3.9 Brake fluid compatibility, constriction, and burst strength. Except for brake hose assemblies designed for use with mineral or petroleum-based brake fluids, a hydraulic brake hose assembly shall meet the constriction requirement of S5.3.1 after having been subjected to a temperature of 200 °F for 70 hours while filled with SAE RM-66-04 Compatibility Fluid, as described in Appendix B of SAE Standard J1703 JAN 1995, "Motor Vehicle Brake Fluid." It shall then withstand water pressure of 4,000 psi for 2 minutes and thereafter shall not rupture at less than 5,000 psi (S6.2). (SAE RM-66-03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

* * * * *

S6.7.1 Preparation.

(a) Attach a hose assembly below a 1-pint reservoir filled with 100 ml. of SAE RM-66-04 Compatibility Fluid as shown in Figure 2. (SAE RM-66-03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

* * * * *

§ 571.189 [Amended]

3. In Section 571.116, S6.5.4 is republished for the convenience of the reader; S6.5.4.1, S6.5.4.2, S6.5.4.3, S6.10.1, S6.10.2, paragraph (a) of

S6.10.3 and S7.2 are revised to read as follows:

S6.5.4 Chemical stability.

S6.5.4.1 Materials. SAE RM-66-04 Compatibility Fluid as described in Appendix B of SAE Standard J1703 JAN 1995, "Motor Vehicle Brake Fluid." (SAE RM-66-03 Compatibility Fluid as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

S6.5.4.2 Procedure.

(a) Mix 30 ± 1 ml. of the brake fluid with 30 ± 1 ml. of SAE RM-66-04 Compatibility Fluid in a boiling point flask (S6.1.2(a)). Determine the initial ERBP of the mixture by applying heat to the flask so that the fluid is refluxing in 10 ± 2 minutes at a rate in excess of 1 drop per second, but not more than 5 drops per second. Note the maximum fluid temperature observed during the first minute after the fluid begins refluxing at a rate in excess of 1 drop per second. Over the next 15 ± 1 minutes, adjust and maintain the reflux rate at 1 to 2 drops per second. Maintain this rate for an additional 2 minutes, recording the average value of four temperature readings taken at 30 second intervals as the final ERBP.

(b) Thermometer and barometric corrections are not required.

S6.5.4.3 Calculation.

The difference between the initial ERBP and the final average temperature is the change in temperature of the refluxing mixture. Average the results of the duplicates to the nearest 0.5 °C (1.0 °F).

* * * * *

S6.10.1 Summary of the procedure.

Brake fluid is mixed with an equal volume of SAE RM-66-04 Compatibility Fluid, then tested in the same way as for water tolerance (S6.9) except that the bubble flow time is not measured. This test is an indication of the compatibility of the test fluid with other motor vehicle brake fluids at both high and low temperatures.

S6.10.2 Apparatus and materials.

(a) *Centrifuge tube.* See S7.5.1(a).
 (b) *Centrifuge.* See S7.5.1(b).
 (c) *Cold Chamber.* See S6.7.2(b).
 (d) *Oven.* See S6.9.2(d).
 (e) *SAE RM-66-04 Compatibility Fluid.* As described in Appendix B of SAE Standard J1703 JAN 1995 "Motor Vehicle Brake Fluid." (SAE RM-66-03 Compatibility Fluid as described in Appendix A of SAE Standard J1703 NOV83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM-66-04 until January 1, 1995.)

S6.10.3 *Procedure.*(a) *At low temperature.*

Mix 50 ± 0.5 ml. of the brake fluid with 50 ± 0.5 ml. of SAE RM-66-04 Compatibility Fluid. Pour this mixture into a centrifuge tube and stopper with a clean dry cork. Place tube in the cold chamber maintained at minus $40^\circ \pm 2$ °C (minus $40^\circ \pm 3.6$ °F). After 24 ± 2 hours, remove tube, quickly wipe with a clean lint-free cloth saturated with ethanol (isopropanol when testing DOT 5 fluids) or acetone. Examine the test specimen for evidence of sludging, sedimentation, or crystallization. Test fluids, except DOT 5 SBF, shall be examined for stratification.

* * * * *

S7.2 Water content of motor vehicle brake fluids. Use analytical methods based on ASTM D1123-59, "Standard Method of Test for Water in Concentrated Engine Antifreezes by the Iodine Reagent Method," for determining the water content of brake fluids, or other methods of analysis yielding comparable results. To be acceptable for use, such other method must measure the weight of water added to samples of the SAE RM-66-04 and TEGME Compatibility Fluids within ± 15 percent of the water added for additions up to 0.8 percent by weight, and within ± 5 percent of the water added for additions greater than 0.8 percent by weight. The SAE RM-66-04 Compatibility Fluid used to prepare the samples must have an original ERBP of not less than 205 °C (401 °F) when tested in accordance with S6.1. The SAE TEGME fluid used to prepare the samples must have an original ERBP of not less than 240 °C (464 °F) when tested in accordance with S6.1.

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Issued on: June 2, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-13932 Filed 6-7-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 672**

[Docket No. 950206041-5041-01; I.D. 053095A]

Groundfish of the Gulf of Alaska; Pollock in Area 61

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in Statistical Area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second quarterly allowance for pollock in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), June 2, 1995, until 12 noon, A.l.t., July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The second quarterly allowance of pollock total allowable catch in Statistical Area 61 was established by the final 1995 harvest specifications of groundfish (60 FR 8470, February 14, 1995) as 7,595 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1995 second quarterly allowance of pollock in Statistical Area 61 soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 6,835 mt after determining that 760 mt will be taken as incidental catch in directed fishing for other species in Statistical Area 61 in the GOA. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 61 in the GOA.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 2, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 95-13953 Filed 6-2-95; 3:04 pm]

BILLING CODE 3510-22-F

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 053095C]

Groundfish of the Gulf of Alaska; Pollock in Area 63

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 63 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second quarterly allowance for pollock in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), June 5, 1995, until 12 noon, A.l.t., July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The second quarterly allowance of pollock total allowable catch in Statistical Area 63 was established by the final 1995 harvest specifications of groundfish (60 FR 8470, February 14, 1995) as 4,078 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1995 second quarterly allowance of pollock in Statistical Area 63 soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 3,670 mt after determining that 408 mt will be taken as incidental catch in directed fishing for other species in Statistical Area 63 in the GOA. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 63.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*