

has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform: This rule does 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, 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. 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, Motor vehicle safety, Motor vehicles.

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

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

2. § 571.210 is amended by removing paragraph S6(c) and S7.

Issued on April 25, 1996.

Ricardo Martinez,

Administrator.

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49 CFR Part 571

[Docket No. 96-29, Notice 01]

RIN 2127-AG28

Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems

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

ACTION: Final rule, technical amendment.

SUMMARY: This document deletes an obsolete section of Standard No. 105, *Hydraulic brake systems*, that relates to an optional burnish procedure. This section is obsolete because the time period to which it specifies is in the past.

EFFECTIVE DATE: This rule is effective June 3, 1996.

FOR FURTHER INFORMATION CONTACT: For nonlegal issues: Mr. Robert M. Clarke, Office of Crash Avoidance, telephone (202) 366-4923.

For legal issues: Mr. Marvin Shaw, Office of Chief Counsel, NCC-20, (202) 366-2992. Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Pursuant to the President's March 4, 1995, directive, "Regulatory Reinvention Initiative," to the heads of departments and agencies, NHTSA undertook a review of all its regulations and directives. During the course of this review, the agency identified several requirements and regulations that are potential candidates for rescission. In reviewing Standard No. 105, the agency concluded that a section relating to the optional burnish requirements in S7.4.2.1(a) was obsolete and should be deleted.¹ The optional burnish requirements applied to vehicles manufactured before September 1, 1994, because the agency wanted to provide this option for a finite period of time. To improve the clarity and conciseness of Standard No. 105, the agency is deleting S7.4.2.1(a) from the standard.

NHTSA finds good cause to make this amendment effective 30 days after publication of this document. This amendment makes a minor change to Standard No. 105.

NHTSA also finds for good cause that notice and an opportunity for comment on this document are unnecessary. This document does not impose any additional responsibilities on any manufacturer. Instead, this document simply removes an outdated provision in the standard.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." Further, this action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures. This rule removes an outdated portion of Standard 105 without changing any of the requirements in the standard. Because this rule does not affect any substantive requirement of the hydraulic brake standard, its impacts are so minimal as

¹ During this review, the agency identified another obsolete reference in S7 which was deleted in a December 13, 1995, final rule (60 FR 63965).

not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act: NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As noted above, this rule simply removes an outdated portion of Standard 105. It has no effect whatsoever on the manufacture or sale of vehicles.

National Environmental Policy Act: NHTSA has also analyzed this rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism): NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform: This 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, 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. 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, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency is amending 49 CFR 571.105, *Hydraulic brake systems*, to read as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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.

§ 571.301 [Amended]

2. Section 571.105 is amended by revising S7.4.2.1 to read as follows:

§ 571.105 Standard No. 105, Hydraulic Brake Systems.

* * * * *

57.4.2.1 *Burnish.* Vehicles are burnished according to the following procedures. Make 500 snubs between 40 mph and 20 mph at a deceleration rate of 10 f.p.s.p.s. Except where an adjustment is specified, after each brake application accelerate to 40 mph and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If the vehicle cannot attain a speed of 40 mph in 1 mph, continue to accelerate until the vehicle reaches 40 mph or until the vehicle has traveled 1.5 miles from the initial point of the previous brake application, whichever occurs first. The brakes shall be adjusted three times during the burnish procedure, in accordance with the manufacturer's recommendations, after 125, 250, and 375 snubs.

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Issued on April 25, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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Federal Transit Administration**49 CFR Parts 604 and 609**

RIN 2132-AA46

Charter Service; Transportation for Elderly and Handicapped Persons

AGENCY: Federal Transit Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule removes and updates obsolete sections of the Federal Transit Administration's Charter Service and Transportation for Elderly and Handicapped Persons regulations, which have been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990, replaces references to the former Federal Transit Act, as amended (49 U.S.C. app §§ 1601 et seq.) with references to Chapter 53 of Title 49 of the United States Code, and redesignates Appendix B of the Charter Service regulation as Appendix A of the Transportation for Elderly and Handicapped Persons regulation.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel, Phone: (202) 366-1936 (voice).

SUPPLEMENTARY INFORMATION: Part 609 of 49 CFR set forth regulatory requirements

of the Federal Transit Administration on transportation for the elderly and persons with disabilities under sections 5 and 16 of the former Federal Transit Act, as amended (49 U.S.C. app. §§ 1604 and 1612). These requirements included transportation planning in urbanized areas, transportation planning in nonurbanized areas, accessible transportation facilities, and accessible buses, rapid rail vehicles, light rail vehicles, and other vehicles.

The specification for accessible transportation facilities and vehicles have now been superseded by the Department of Transportation's regulation implementing the Americans with Disabilities Act of 1990 (49 CFR Parts 27, 37, and 38), and the special efforts planning requirements for urbanized areas are located in the joint FHWA/FTA Statewide and Metropolitan Planning Rules (49 CFR Part 613 and 23 CFR Part 450, respectively).

In addition, 49 CFR Part 604, Charter Service, Appendix B, contains a series of questions and answers regarding the definitions addressed under 49 CFR Part 609. This final rule moves Appendix B to Part 609, a more appropriate location, and makes several technical amendments reflecting that change and the codification of the former Federal Transit Act (now 49 U.S.C. Chapter 53).

Regulatory Analyses and Notices

This is not a significant rule under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. It does not impose costs on regulated parties. It merely removes several superseded sections of a regulation and consolidates the effective sections. There are not sufficient Federalism implications to warrant a Federalism Assessment. The Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Under the Administrative Procedure Act (5 U.S.C. 553), FTA determines that notice and an opportunity for comment are impracticable, unnecessary, and contrary to the public interest. The amendments made in this document are ministerial, removing obsolete and redundant material and making minor technical and terminological changes. FTA expects these changes to have no substantive impact and does not anticipate receiving meaningful comments on them. Therefore, because it would be contrary to the public interest to unnecessarily delay this effort to eliminate and revise outdated rules, FTA is not seeking public comment on these changes to 49 CFR.

List of Subjects in 49 CFR Parts 604 and 609

Elderly and handicapped; charter service.

For the reasons set forth, the Department amends 49 CFR Parts 609 and 604 as follows:

PARTS 604 AND 609—[AMENDED]

1. The authority citation for 49 CFR Part 604 continues to read as follows:

Authority: 49 U.S.C. 5323(d); 23 U.S.C. 103(e)(4); 142(a); and 142(c); and 49 CFR 1.51.

2. The authority citation for 49 CFR Part 609 is revised to read as follows:

Authority: 49 U.S.C. 5307(d) and 5308(b); 23 U.S.C. 134,135 and 142; 29 U.S.C. 794; 49 CFR 1.51.

Appendix B [Redesignated]

3. 49 CFR Part 604, Appendix B is redesignated as 49 CFR Part 609, Appendix A.

Appendix A [Amended]

4. In newly designated Appendix A to Part 609, the first sentence of the second paragraph is amended by deleting "§ 604.9(b)(6)" and replacing it with "this part".

5. In newly designated Appendix A to Part 609, the first sentence of Answer 3 is amended by replacing "section 16 of the FT Act" with "section 5302(a)(5) of the Federal transit laws (49 U.S.C. Chapter 53)".

6. In newly designated Appendix A to Part 609, the second sentence of Answer 5 is amended by replacing "FTA's elderly and handicapped regulation" with "the Department of Transportation's ADA regulation".

§ 609.5 [Amended]

7. Section 609.5 is amended by replacing "sections 3, 5, or 9 of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1602, 1604, or 1607a)" with "sections 5307 or 5308 of the Federal transit laws (49 U.S.C. Chapter 53)".

§ 609.23 [Amended]

8. Section 609.23 is amended by replacing "section 5 of the Federal Mass Transit Act of 1964, as amended (49 U.S.C. 1604)" with "section 5307 of the Federal transit laws (49 U.S.C. Chapter 53)".

§§ 609.5 and 609.23 [Amended]

9. Sections 609.5 and 609.23 are amended by removing the words "Federal Mass Transit Administrator" and adding in their place, the words "Federal Transit Administrator".