

(d) At intervals not to exceed 100 hours TIS after completion of the FPI, accomplish the following:

(1) Remove all 4 horizontal stabilizer supports, P/N 206-023-100-all dash numbers, from the tailboom and the horizontal stabilizer.

(2) Visually inspect the entire edge of the horizontal stabilizer opening on both sides of the tailboom for any crack using a 10-power or higher magnifying glass.

(3) If any crack is found, replace the tailboom with an airworthy tailboom.

(e) Insert a copy of this AD into the Rotorcraft Flight Manual.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(g) Special flight permits may be issued for a one-time flight, not to exceed 5 hours TIS and a maximum of one landing, in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished. The visual preflight check required by paragraph (b) must be accomplished prior to making a one-time flight.

(h) This amendment becomes effective on July 9, 1999.

**Note 3:** The subject of this AD is addressed in Transport Canada (Canada) AD No. CF-98-42R1, dated February 16, 1999.

Issued in Fort Worth, Texas, on June 16, 1999.

**Henry A. Armstrong,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 99-15925 Filed 6-23-99; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 655

[FHWA Docket No. FHWA-97-2353; 96-20]

RIN 2125-AD63

#### National Standards for Traffic Control Devices; Metric Conversion

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final, with changes, the interim rule concerning

national standards for traffic control devices, metric conversion, published on Tuesday, June 11, 1996. This document makes minor changes to certain regulatory citations and corrects the titles of certain publications incorporated by reference.

**DATES:** This final rule is effective June 24, 1999. The incorporation by reference of certain publications listed in the regulations was reapproved by the Director of the Federal Register as of June 24, 1999.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Huckaby, Office of Transportation Operations (HOTO), (202) 366-9064, or Mr. Raymond Cuprill, Office of the Chief Counsel (202) 366-1377, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

You may download an electronic copy of this document by using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

The text for Part 1 of the MUTCD is available from the FHWA Office of Transportation Operations (HOTO) or from the FHWA Home Page at the URL: <http://www.ohs.fhwa.dot.gov/devices/mutcd.html>.

##### Background

Section 1211(d) of the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107) removed the target date for metric conversion, thereby allowing the State departments of transportation (DOTs) the option of converting to the International System of Measurements (SI). Section 205(c)(2) of the National Highway System Designation Act of 1995 (Pub. L. 104-59, 109 Stat. 568) was amended by striking the language "before September 30, 2000," which removes the mandate that States convert

to SI. Most of the State DOTs have substantially converted their project development and construction processes to SI. Full conversion by all the State DOTs remains an FHWA goal since it will improve efficiency within the highway construction industry by reducing translation errors and enabling the contractors, consultants, fabricators and materials suppliers to utilize a single system of units. The FHWA believes that it is in the best interest of the highway community to expedite the metrication process and ensure compatibility within the highway industry and with other industries. Reversion to inch-pound units by some States will perpetuate a confusing mix of measurement systems.

The FHWA is adopting, as its policy for the design of traffic control devices for use on all roads open to public travel, two American Association of State Highway and Transportation Officials' (AASHTO) publications: "Guide to Metric Conversion, AASHTO, 1993," and "Traffic Engineering Metric Conversion Factors, 1993—Addendum to the Guide to Metric Conversion, AASHTO, October 1993."

The FHWA's Metric Conversion Policy, published at 57 FR 24843 on June 11, 1992, requires that newly authorized Federal-aid construction contracts be in metric units only by September 30, 1996. The National Highway System Designation Act of 1995 postponed this requirement until September 30, 2000. Many States have progressed in their conversion activities to a point that it is impractical not to continue the transition into full metric use. Because of the long lead times required for highway construction projects, planning for projects is already underway and, in fact, the majority of the Federal-aid highway construction program nationwide is currently being constructed in metric units. It is the intent of this rulemaking to assure the States and other FHWA partners that the metric conversions used to formulate their plans are consistent nationwide.

The traffic control device design and applications standards have been adopted by the FHWA for use on all streets and highways open to public travel and are incorporated by reference in 23 CFR Part 655, subpart F. The current design standards are on file at the Office of the Federal Register in Washington, D.C. and are available for inspection from the FHWA Washington Headquarters and all FHWA Division and Resource Centers as prescribed in 49 CFR Part 7. Copies of the current AASHTO publications are also available for purchase from the American Association of State Highway and

Transportation Officials, Suite 249, 444 North Capitol Street NW., Washington, D.C. 20001.

The American Association of State Highway and Transportation Officials (AASHTO) is an organization which represents the 52 State highway and transportation agencies (including the District of Columbia and Puerto Rico). Its members consist of the duly constituted heads and other chief officials of those 52 agencies. The Secretary of the United States Department of Transportation (DOT) is an ex officio member, and DOT officials participate in various AASHTO activities as non-voting representatives. Among other functions, the AASHTO develops and issues standards, specifications, policies, guides, and related materials for use by the States for highway projects. Many of the standards adopted by the FHWA and incorporated in 23 CFR Part 655 were developed and issued by the AASHTO or by organizations of which it is a major voting member. Revisions made to such documents by the AASHTO are independently reviewed and adopted by the FHWA before they are applied to street and highway projects.

The FHWA initiated a phased five-year plan to convert its activities and business operations to the metric system of weights and measures as required by the Metric Conversion Act of 1975 (Pub. L. 94-168, 89 Stat. 1007) as amended by sec. 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 102 Stat. 1107, 1451) (Metric Act). The TEA-21, section 1211(d), does not change the requirements placed on the FHWA by the Omnibus Trade and Competitiveness Act of 1988. Therefore, the FHWA will continue to use SI in its daily business activities. In keeping with existing policy, correspondence or publications intended for a broad audience which includes the general public may use dual units with the SI value first followed by the inch-pound value in parentheses. All other documents should be in SI only.

The AASHTO developed and published "Traffic Engineering Metric Conversion Factors, 1993—Addendum to the Guide to Metric Conversion, AASHTO, October 1993," listing the conversion values for nationwide uniformity. Through the interim final rule, the FHWA adopted the metric conversion traffic engineering values established by the AASHTO in the publications entitled "Guide to Metric Conversion, AASHTO, 1993," and "Traffic Engineering Metric Conversion Factors, 1993—Addendum to the Guide to Metric Conversion, AASHTO,

October 1993." Included are metric values for determining the metric sizes for signs and pavement markings.

The language in the interim final rule cited to 49 CFR Part 7, Appendix D. Please note that the appendices to Part 7 have been removed. Therefore, the new citation has been changed to 49 CFR Part 7.

#### Discussion of Comments

An interim final rule for 23 CFR 655.601 was published on June 11, 1996, at 61 FR 29624. Interested persons were invited to participate in this rulemaking by submitting written comments to FHWA Docket No. 96-20 on or before August 11, 1996. The FHWA has rearranged its docket system to accord with the electronic system adopted by the Department of Transportation. A new docket was established to receive the information with the number FHWA Docket FHWA-97-2353. Material previously submitted to Docket 96-20 was transferred to FHWA-97-2353. Comments were received from three State highway agencies, one local jurisdiction, one association, one traffic consultant, and one safety group. Five of these either favored metric conversion, did not address the issue of AASHTO guidelines, or offered suggestions for improving the guidelines.

Two commenters, Advocates for Highway and Auto Safety (AHAS) and Connecticut Construction Industries Association, Inc. (CCIA), opposed the FHWA's adoption of the AASHTO metric conversion publications as the agency's interim policy for design of traffic control devices without prior notice and the opportunity for comment. These commenters objected to issuance of the interim final rule, alleging that the FHWA has truncated proper rulemaking procedures. The CCIA specifically requests that the FHWA rescind the rule until such time as it is adopted after notice of an opportunity for comment.

The FHWA believes prior notice and opportunity for comment are unnecessary because the interim metric value documents adopted here are functionally equivalent to the English measurements already adopted by the FHWA pursuant to notice and comment procedures in various revisions of the Manual on Uniform Traffic Control Devices (MUTCD) and, at the same time, allow easier and more manageable conversions to metric measurements. In addition, as indicated in the prior notice, we anticipate that the AASHTO metric values adopted here will be used only on an interim basis until the MUTCD is revised to incorporate design

values converted to the metric system. This action is expected during 2001.

We also reiterate the prior finding that imposition of notice and comment procedures here would be contrary to the public interest. Adoption as a final rule of the interim metric values provides States and other FHWA partners, including highway construction contractors, with necessary certainty and continuity as they formulate their plans for metric projects. Almost all of the States continued their metric conversion activities to meet the previously established deadline and are either awarding contracts in metric or plan to do so in the near future. Comments of State transportation agencies introduced here support the view that availability of these metric standards will assist States markedly in developing and achieving uniformity in project plans and in adopting metric standards for traffic engineering.

Furthermore, we expect these particular metric values to be used on an interim basis only until the MUTCD with design values converted to the metric system is adopted and published.

Prior notice and opportunity for comment are not required under the Department of Transportation's Regulatory Policies and Procedures because it is not anticipated that such action will result in the receipt of useful information. The FHWA has determined that the AASHTO interim metric values come as close as possible to retaining the English measurements already adopted by the FHWA pursuant to notice and comment rulemaking, and express adoption of these metric values now provides necessary certainty and continuity for States and other FHWA partners, including highway construction contractors. For these reasons, we adhere to the view that, consistent with 5 U.S.C. 553(d)(3), good cause supports the FHWA's action making this final rule effective. In addition, the FHWA believes that this final rule should be effective immediately upon publication.

The APA also allows agencies, upon a finding of good cause, to make a rule effective immediately and avoid the 30-day delayed effective date requirement. 5 U.S.C. 553(d)(3). The FHWA has determined that good cause exists to make this rule effective upon publication because the rule provides information to States for their use in contracting with private contractors for the construction of highways. Making this rule effective upon publication will enable States to begin incorporating metric units now. Furthermore, since this was published as an interim final rule, it is already effective. Therefore, no

good purpose would be served by delaying the effective date of this rule.

In addition to implementing the interim rule as a final rule, the FHWA is making one additional change. The FHWA is eliminating 23 CFR 655.601(e)—Pavement Marking Demonstration Program, FHWA, 23 CFR part 920. Paragraph (e) is a cross reference to 23 CFR part 920 which no longer exists, thereby making paragraph (e) obsolete.

#### Review Procedure

Based on an analysis of public comments received, the FHWA has examined its determination that the AASHTO publications adopted by this rule are acceptable as the basis for the design of signs and pavement markings for streets and highways open to public travel.

#### Rulemaking Analyses and Notices

##### Administrative Procedure Act

The Administrative Procedure Act provides that an agency may dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(3)(B). The FHWA has determined that prior notice and opportunity for comment are unnecessary in the elimination of 23 CFR 655.601(e). Paragraph (e) cross references 23 CFR part 920. The Pavement Marking Demonstration Program expired. The DOT issued an NPRM on May 20, 1992, at 57 FR 21362, giving notice and providing an opportunity for comments. Part 920 was removed in a final rule on December 22, 1992, at 57 FR 60725. Comments regarding a reference to a nonexistent program are unnecessary. Therefore, notice and opportunity for comment are not required.

##### Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. As stated previously, the FHWA has determined that the interim metric values selected by the AASHTO documents are functionally equivalent to English system measurements previously adopted by notice and comment rulemaking. It is anticipated that the economic impact of the rulemaking will be minimal. The additional guidance and clarification

provided by this final amendment will improve application of traffic control devices at little additional expense to public agencies or the motoring public. Therefore, a full regulatory evaluation is not required.

##### Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this action on small entities. This final amendment provides expanded guidance and clarification for traffic control devices. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

##### Unfunded Mandates Reform Act

This rule does not impose a Federal mandate resulting in the expenditure by State, local, and tribal governments, in the aggregate, or by the private section, of \$100 million or more in any one year (2 U.S.C. 1532).

##### Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. These amendments are in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway. To the extent that these amendments override any existing State requirements regarding traffic control devices, they do so in the interests of national uniformity.

##### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

##### Paperwork Reduction Act

This action does not contain a collection of information requirement

for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

##### National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

##### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

##### List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs and symbols, and Traffic regulations.

Accordingly, the FHWA hereby adopts as final its interim final rule amending 23 CFR part 655 published at 61 FR 29624 on June 11, 1996, with changes as set forth below:

#### PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

**Authority:** 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

##### Subpart F—[Amended]

2. In § 655.601, revise paragraphs (c) and (d), and remove paragraph (e), to read as follows:

##### § 655.601 Purpose.

\* \* \* \* \*

(c) Guide to Metric Conversion, AASHTO, 1993. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This document is available for inspection as provided in 49 CFR part 7. It may be purchased from the American Association of State Highway and Transportation Officials, Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

(d) Traffic Engineering Metric Conversion Factors, 1993—Addendum to the Guide to Metric Conversion, AASHTO, October 1993. This publication is incorporated by reference

in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. This document is available for inspection as provided in 49 CFR part 7. It may be purchased from the American Association of State Highway and Transportation Officials, Suite 249, 444 North Capitol Street, NW., Washington, DC 20001.

Issued on: June 17, 1999.

**Gloria J. Jeff,**

*Federal Highway Deputy Administrator.*

[FR Doc. 99-16027 Filed 6-23-99; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 5

[Docket No. FR-4321-F-06]

RIN 2501-AC49

### Uniform Financial Reporting Standards for HUD Housing Programs; Technical Amendment

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This final rule makes a technical amendment to HUD's regulations on Uniform Financial Reporting Standards, published on September 1, 1998. The amendment will provide a delayed submission date for the first annual financial report required by all multifamily entities subject to these standards. The delayed submission date is only for the first year of compliance with HUD's uniform financial reporting standards.

**DATES:** Effective July 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** For further information contact James Martin, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20410; telephone Customer Service Center 1-888-245-4860. Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at 1-800-877-8399. (Both telephone numbers are toll free numbers).

**SUPPLEMENTARY INFORMATION:** On September 1, 1998 (63 FR 46582), HUD published a final rule that established uniform annual financial reporting standards for HUD's Public Housing, Section 8 housing, and multifamily

insured housing programs. The rule provides that the financial information already required to be submitted to HUD on an annual basis under these programs must be submitted electronically to HUD and must be prepared in accordance with generally accepted accounting principles.

The September 1, 1998 final rule also established annual financial report filing dates. The rule provides for all covered entities an annual financial report submission date that is 60 days after the end of a covered entity's fiscal year. For the first year of compliance with the new standards, the September 1, 1998 rule provided an April 30, 1999 annual financial report submission date for those entities that are:

(1) Owners of housing assisted under Section 8 project-based housing assistance payments programs, described in § 5.801(a)(3) of the new rule; or

(2) Owners of multifamily projects receiving direct or indirect assistance from HUD, or with mortgages insured, coinsured, or held by HUD, including but not limited to housing under certain HUD programs described in § 5.801(a)(4) of the new rule; and

(3) Have fiscal years ending December 31, 1998.

The majority of non-public housing entities covered by this rule fall into the category of entities that will have reports due by April 30, 1999. (Note that for public housing agencies (PHAs), the rule provides that compliance with the uniform financial reporting standards begins for PHAs with fiscal years ending September 30, 1999.)

On January 11, 1999 (64 FR 1504), HUD amended the September 1, 1998 rule to change the April 30, 1999 due date to June 30, 1999, to provide additional time for participants (subject to the April 30, 1999 report deadline) to convert to the new reporting system and to complete the first annual financial report.

All entities subject to HUD's uniform financial reporting requirements, (including those entities provided the deferred date of June 30, 1999) advise of the necessity for additional time for successful conversion to the new reporting system. For this first year with HUD's new financial reporting system, HUD has agreed to provide additional time. This technical amendment provides for delayed report submission dates as shown in the regulatory text.

#### Other Matters

##### *Justification for Final Rulemaking*

In general, the Department publishes a rule for public comment before issuing

a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. Part 10, however, does provide for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). The Department finds that good cause exists to publish this final rule for effect without first soliciting public comment, in that prior public procedure is unnecessary. Public procedure is unnecessary because this final rule simply makes a technical amendment to its uniform financial reporting standards regulations to provide, for covered entities, for a delayed submission date for the first financial report due under HUD's uniform financial reporting standards. HUD acknowledges that conversion to the new reporting system and completion of the required report involves more time than originally contemplated for these entities. The regulatory amendment made by this rule, therefore, alleviates a burden for these entities. No policies or standards are changed by this rulemaking.

##### *Regulatory Flexibility Act*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this final rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule only makes a technical amendment to existing regulations by changing a reporting deadline for the first year of compliance with HUD's uniform financial reporting standards. Although this change alleviates a burdensome requirement for covered entities and the covered entities include small entities, the rulemaking nevertheless does not result either adversely or beneficially in any significant economic impact on a substantial number of small entities.

##### *Environmental Impact*

This final rule is exempt from the environmental review procedures under HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) because of the exemption under § 50.19(c)(1). This final rule only makes a technical correction to existing regulations.

##### *Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has