

under this section does not stay the effectiveness of the final rule.

§ 601.35 Proceedings on petitions for reconsideration.

The Administrator may grant or deny, in whole or in part, any petition for reconsideration without further proceedings. In the event he/she determines to reconsider any rule, he/she may issue a final decision on reconsideration without further proceedings, or he/she may provide such opportunity to submit comment or information and data as he/she deems appropriate. Whenever the Administrator determines that a petition should be granted or denied, he/she prepares a notice of the grant or denial of a petition for reconsideration and issues it to the petitioner. The Administrator may consolidate petitions relating to the same rule.

§ 601.36 Procedures for direct final rulemaking.

(a) Rules the Administrator judges to be non-controversial and unlikely to result in adverse public comment may be published as direct final rules. These include non-controversial rules that:

- (1) Affect internal procedures of FTA, such as filing requirements and rules governing inspection and copying of documents;
- (2) Are non-substantive clarifications or corrections to existing rules;
- (3) Update existing forms;
- (4) Make minor changes in the substantive rule regarding statistics and reporting requirements;
- (5) Make changes to the rule implementing the Privacy Act; and
- (6) Adopt technical standards set by outside organizations.

(b) The FEDERAL REGISTER document will state that any adverse comment must be received in writing by FTA within the specified time after the date of publication and that, if no written adverse comment is received, the rule will become effective a specified number of days after the date of publication.

(c) If no written adverse comment is received by FTA within the specified time of publication in the FEDERAL REGISTER, FTA will publish a notice in the FEDERAL REGISTER indicating that

no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(d) If FTA receives any written adverse comment within the specified time of publication in the FEDERAL REGISTER, FTA will either publish a document withdrawing the direct final rule before it becomes effective and may issue an NPRM, or proceed by any other means permitted under the Administrative Procedure Act.

(e) An “adverse” comment for the purpose of this subpart means any comment that FTA determines is critical of the rule, suggests that the rule should not be adopted, or suggests a change that should be made in the rule. A comment suggesting that the policy or requirements of the rule should or should not also be extended to other Departmental programs outside the scope of the rule is not adverse.

[70 FR 67318, Nov. 4, 2005, as amended at 84 FR 71734, Dec. 27, 2019; 86 FR 17296, Apr. 2, 2021]

Subpart D—Emergency Procedures for Public Transportation Systems

AUTHORITY: 49 U.S.C. 5141 and 5334; 49 CFR 1.51.

SOURCE: 72 FR 912, Jan. 9, 2007, unless otherwise noted.

§ 601.40 Applicability.

This part prescribes procedures that apply to FTA grantees and subgrantees when the President has declared a national or regional emergency, when a State Governor has declared a state of emergency, when the Mayor of the District of Columbia has declared a state of emergency, or in anticipation of such declarations.

§ 601.41 Petitions for relief.

In the case of a national or regional emergency or disaster, or in anticipation of such a disaster, any FTA grantee or subgrantee may petition the Administrator for temporary relief from the provisions of any policy statement, circular, guidance document or rule.