

**Rulemaking Analyses and Notices**

The FHWA is waiving prior notice and opportunity for public comment on this rule because it is considered unnecessary within the meaning of section 4(b)(3)(B) of the Administrative Procedures Act, 5 USC 553(b)(3)(B). Removal of the identified sections is unlikely to engender public comment. The FHWA believes that the promulgation of this interim rule will eliminate obsolete provisions in the CFR enhancing the ease with which these regulations can be understood by the public. Nevertheless, the FHWA is opening a public docket for this rule and providing 60 days for receipt of public comment. The FHWA will consider all comments received during this 60 day period in determining whether any revision is necessary to the rule published today.

**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. Since this Interim Final Rule reduces obsolete regulatory language it will not have an adverse annual effect on the economy, interfere with the work of another agency, materially alter the budget impact of grantees, or raise novel legal or policy issues inconsistent with the principles set forth in this Executive Order. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

**Regulatory Flexibility Act**

This rule eliminates obsolete regulatory language used in the administration of right-of-way programs, and in so doing does not add to the burdens imposed on a substantial number of small entities.

**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 does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

**Executive Order 12372 (Intergovernmental Review)**

Catalog of Federal Domestic Assistance 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 Parts 710, 712, 720, and 740

Grant programs—transportation, Highways and roads, Real property acquisition, Relocation assistance, Rights-of-way.

For the reasons set out in the preamble, and under the authority of 23 U.S.C. 315 and 49 CFR 1.48, title 23, Code of Federal Regulations, is amended as set forth below.

Issued on: April 18, 1996.  
Rodney E. Slater,  
*Federal Highway Administrator.*

In consideration of the foregoing, the FHWA amends chapter I of title 23, Code of Federal Regulations, as follows:

**PART 710—RIGHT-OF-WAY—GENERAL**

1. The authority citation for part 710 continues to read as follows:

Authority: 23 U.S.C. 101(a) and 315; 42 U.S.C. 2000d *et seq.*, 4633, 4651–4655; 49 CFR 1.48 (b) and (cc) and parts 21 and 24; 23 CFR 1.32.

**§§ 710.401 through 710.405 (Subpart D)—Civil Rights [Removed]**

2. In part 710, subpart D, consisting of §§ 710.401 through 710.405, is removed.

**PART 712—THE ACQUISITION FUNCTION**

3. The authority citation for part 712 continues to read as follows:

Authority: 23 U.S.C. 101(a), 107, 108, 111, 114, 204, 210, 308, 315, 317, and 323; 42 U.S.C. 2000d–1, 4633, 4651–4655; 49 CFR 1.48 (b) and (cc) and part 24; 23 CFR 1.32.

**§§ 712.801, 712.803, and 712.805 (Subpart H)—Land Service Facilities [Removed]**

4. In part 712, subpart H, consisting of §§ 712.801, 712.803, and 712.805 is removed.

**PART 720—APPRAISAL [REMOVED]**

5. Part 720 of chapter I is removed.

**PART 740—RELOCATION ASSISTANCE [REMOVED]**

6. Part 740 of chapter I is removed.  
[FR Doc. 96–10207 Filed 4–24–96; 8:45 am]  
BILLING CODE 4910–22–P

**National Highway Traffic Safety Administration****23 CFR Part 1309**

[NHTSA Docket No. 82–18; Notice 14]

RIN 2127–AG22

**Incentive Grant Criteria for Alcohol Traffic Safety Programs**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule removes Part 1309 from title 23 of the Code of Federal Regulations (CFR). Part 1309 established criteria for awarding incentive grants to States that implemented effective programs to reduce drunk driving and driving under the influence of a controlled substance, in accordance with section 408 of title 23, United States Code. The regulation is being removed because it is unnecessary and obsolete. Funds for the section 408 program have not been authorized since FY 1994.

**EFFECTIVE DATE:** May 28, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marlene Markison, Office of State and Community Services, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590, telephone (202) 366–2121; or Ms. Heidi L. Coleman, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–1834.

**SUPPLEMENTARY INFORMATION:** On March 4, 1995, President Clinton directed all Federal Departments and agencies to take four steps to overhaul the nation's regulatory system. The first step was to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. The review was to include careful consideration of a number of issues, including whether the regulation is obsolete, whether its intended goal can be achieved in more efficient less intrusive ways, or whether States or local governments can do the job (making Federal regulation unnecessary).

NHTSA conducted a thorough, page-by-page review of all agency regulations, including those that pertain to State and community highway safety programs.

As a result of these efforts, NHTSA has determined that Part 1309 should be removed from title 23 of the Code of Federal Regulations (CFR), because it is unnecessary and obsolete.

Part 1309 established criteria for awarding incentive grants to States that implemented effective programs to reduce drunk driving and driving under the influence of a controlled substance, in accordance with 23 U.S.C. 408. Part 1309 was first published in the Federal Register, as 23 CFR Part 1209, on February 7, 1983 (48 FR 5545). It was amended and redesignated as 23 CFR Part 1309 on June 19, 1986 (51 FR 22276). It was further amended on July 22, 1987 (52 FR 27614), May 18, 1988 (53 FR 17692) and August 25, 1988 (53 FR 32375).

Funds for the section 408 program have not been authorized since FY 1994. Because the regulation implements a program which is no longer active, and currently appears in the CFR among regulations that implement programs that continue to be active, its removal will avoid confusion for potential grant applicants. States that have remaining section 408 balances must expend their funds in accordance with 23 U.S.C. 408, OMB Circular A-87, other applicable grant funding policies (for current policies, States should consult the NHTSA/FHWA Highway Safety Grant Management Manual) and the agreements the States entered with NHTSA when they received their funds.

Rulemaking Analyses and Notices

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

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's

regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

*(b) Regulatory Flexibility Act*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agency has evaluated the effects of this rule on small entities. Based on the evaluation, the agency hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

*(c) 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 does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

*(d) Paperwork Reduction Act*

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

*(e) 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.

*(f) Executive Order 12778 (Civil Justice Reform)*

This amendment to the regulation does not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply removes from the regulation outdated and obsolete provisions that no longer apply. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Notice and Comment

Because the amendments relate to a grant program and are therefore not covered by the Administrative Procedure Act, and since they merely

contain technical changes that remove outdated and obsolete provisions from the regulation and do not impose any additional requirements, the amendments are being made without prior notice and opportunity to comment.

List of Subjects in 23 CFR Part 1309

Alcohol abuse, Drug abuse, Grant programs—transportation, Highway safety.

Under the authority of 49 CFR Part 1.50, Title 23 of the Code of Federal Regulations is amended by removing Part 1309.

Issued on: April 19, 1996.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 96-10121 Filed 4-24-96; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Fair Housing and Equal Opportunity**

**24 CFR Parts 100, 103, and 109**

[Docket No. FR-4029-C-02]

RIN 2529-AA78

**Regulatory Reinvention; Streamlining of HUD's Regulations Implementing the Fair Housing Act; Correction**

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Final rule, correction.

**SUMMARY:** On April 1, 1996 (61 FR 14378), HUD published a final rule streamlining its regulations implementing the Fair Housing Act. The April 1, 1996 final rule implemented the Housing for Older Persons Act of 1995 by substantively revising HUD's regulations governing housing for persons 55 years of age or older. However, the final rule failed to incorporate certain changes which HUD had determined were necessary. The purpose of this document is to correct the April 1, 1996 final rule by making the required amendments to HUD's regulations governing housing for older persons. For the convenience of readers, HUD is re-publishing the entire regulatory text of the April 1, 1996 final rule, but incorporating the correction made by this document.

**EFFECTIVE DATE:** May 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Susan Forward, Deputy Assistant