

**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step was to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. The review was to include careful consideration of a number of issues, including whether the regulation is obsolete, whether its intended goal can be achieved in more efficient less intrusive ways, or whether States or local governments can do the job (making Federal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 Because the regulation implements a program which is no longer active, and currently appears in the CFR among regulations that implement programs that continue to be active, its removal will avoid confusion for potential grant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

Secretary for Enforcement and Investigations, Room 5106, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone number (202) 708-4211. For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339. (With the exception of the "800" number, these numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** On April 1, 1996 (61 FR 14378), HUD published a final rule which, among other streamlining amendments, implemented the Housing for Older Persons Act of 1995 (Pub.L. 104-76, approved December 28, 1996). Specifically, the April 1, 1996 rule merged 24 CFR 100.304 and 100.315, and revised § 100.304 to track the statutory language. In addition, the provisions describing the "significant facilities and services" requirement for "55 or over" housing in §§ 100.305, 100.306, 100.307, 100.310, and 100.316, were deleted to conform to the new requirements for "55 or over" housing established by the Housing for Older Persons Act.

However, the April 1, 1996 final rule failed to incorporate certain changes that HUD had determined were necessary. Revised § 100.304 retained most of the substance of former 24 CFR 100.315(b)(4). This provision concerned the ability of housing providers to meet the 80 percent occupancy requirement for "55 or over" housing by reserving unoccupied units for occupancy by persons 55 years of age or older. HUD had decided that removal of former 24 CFR 100.315(b)(4) was necessary for complete and effective implementation of the Housing for Older Persons Act. This document makes the necessary correction. 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.

Accordingly, FR Doc. FR-4029-F-01, Regulatory Reinvention; Streamlining of HUD's Regulations Implementing the Fair Housing Act, published in the Federal Register on April 1, 1996 (61 FR 14378) is corrected by re-publishing the regulatory text to read as follows:

#### **PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT**

1. The authority citation for part 100 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3600-3619.

2. Section 100.304 is revised to read as follows:

#### **§ 100.304 55 or over housing.**

(a) The provisions regarding familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit pursuant to this section.

(b) In order to qualify as housing for older persons under this section, at least 80 percent of the units in the housing facility must be occupied by at least one person 55 years of age or older, except that a newly constructed housing facility for first occupancy after March 12, 1989, need not comply with this section until 25 percent of the units in the facility are occupied.

(c) Housing satisfies the requirements of this section even though:

(1) On September 13, 1988, under 80 percent of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80 percent of the units that are occupied after September 13, 1988, are occupied by at least one person 55 years of age or older.

(2) There are unoccupied units, provided that at least 80 percent of the occupied units are occupied by at least one person 55 years of age or older.

(3) There are units occupied by employees of the housing provider (and family members residing in the same unit) who are under 55 years of age, provided the employees perform substantial duties directly related to the management or maintenance of the housing.

#### **§§ 100.305, 100.306, 100.307, 100.310, 100.315, and 100.316 [Removed]**

3. Sections 100.305, 100.306, 100.307, 100.310, 100.315, and 100.316 are removed.

#### **PART 103—FAIR HOUSING COMPLAINT PROCESSING**

4. The authority citation for part 103 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600-3619.

5. Section 103.30 is amended by revising paragraph (b) to read as follows:

#### **§ 103.30 Form and content of complaint.**

\* \* \* \* \*

(b) The Assistant Secretary may require complaints to be made on prescribed forms.

\* \* \* \* \*

#### **§ 103.105 [Amended]**

6. Section 103.105 is amended by removing paragraph (a) and removing the paragraph designation "(b)" from paragraph (b).

7. Section 103.110 is amended by revising paragraph (c) to read as follows:

#### **§ 103.110 Reactivation of referred complaints.**

\* \* \* \* \*

(c) The substantially equivalent State or local agency has failed to commence proceedings with respect to the complaint within 30 days of the date that it received the notification and referral of the complaint; or the agency commenced proceedings within this 30-day period, but the Assistant Secretary determines that the agency has failed to carry the proceedings forward with reasonable promptness.

8. Section 103.225 is revised to read as follows:

#### **§ 103.225 Completion of investigation.**

The investigation will remain open until a determination is made under § 103.400, or a conciliation agreement is executed and approved under § 103.310. Unless it is impracticable to do so, the Assistant Secretary will complete the investigation of the alleged discriminatory housing practice within 100 days of the filing of the complaint (or where the Assistant Secretary reactivates the complaint, within 100 days after service of the notice of reactivation under § 103.115). If the Assistant Secretary is unable to complete the investigation within the 100-day period, HUD will notify the aggrieved person and the respondent, by mail, of the reasons for the delay.

#### **PART 109—[REMOVED]**

9. Part 109 is removed.

Dated: April 17, 1996.

Elizabeth K. Julian,

*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc. 96-10288 Filed 4-24-96; 8:45 am]

BILLING CODE 4210-28-P

#### **24 CFR Part 3280**

[Docket No. FR-4025-C-02]

RIN 2502-AG70

#### **Office of the Assistant Secretary for Housing-Federal Housing Commissioner; Federal Manufactured Housing Program; Streamlining Final Rule; Correction**

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

**ACTION:** Correction to final rule.

**SUMMARY:** On March 15, 1996 (61 FR 10858), the Department published a final rule streamlining its regulations under the National Manufactured Housing Construction and Safety Standards Act of 1974. In part, this final