

ACTION: Correction to final regulations.

SUMMARY: On May 21, 1996, the Department of Transportation published final rules amending its Americans with Disabilities Act in several respects (61 FR 25409). This document corrects certain editorial errors in that document. The corrections do not affect the substance of the amendments.

EFFECTIVE DATE: June 20, 1996.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW, Room 10424, Washington, DC, 20590. (202) 366-9306 (voice); (202) 755-7687 (TDD); or Richard Wong, Office of Chief Counsel, Federal Transit Administration, same street address, Room 9316. (202) 366-4011.

SUPPLEMENTARY INFORMATION:

Background

The Department is making editorial corrections to its May 21, 1996, final rule (61 FR 25409), amending 49 CFR parts 37 and 38, which implement the Americans with Disabilities Act for transportation services. The amendments concern such subjects as advance reservations for paratransit service, updates to paratransit plans, requirements for independent private schools, and other subjects.

Need for Correction

As published, the document contains errors which may prove to be misleading and are in need of correction. First, in the preamble, the last sentence of the first paragraph under the heading "Visitor Eligibility," beginning "The Department will further amend * * *" (61 FR 25414, first column) is incorrect, and should be disregarded. The rule does not contain such an amendment.

In four instances, the amendatory language for certain provisions of the rule left notice of proposed rulemaking language (e.g., "proposes to amend" rather than "amends" or "revises") in place. This document corrects these errors. Finally, the amendment to § 37.135(c)(1) contained an potentially misleading citation to §§ 37.137-139, which could cause confusion about the applicability of the requirement of §§ 37.137(c) for continuing public participation in transit authorities' paratransit programs. The citation is corrected to fix this problem.

Correction of Publication

Accordingly, the publication on May 21, 1996, of the final regulations

amending 49 CFR Parts 37 and 38, which were the subject of FR Doc. 96-11935, is corrected as follows:

1. On page 25415, in the third column, amendatory instruction 1, relating to the authority citation for 49 CFR Part 37, is corrected to read as follows:

1. The authority citation for 49 CFR Part 37 continues to read as follows:

2. On page 25415, in the third column, amendatory instruction 2, relating to the authority citation for 49 CFR Part 38, is corrected to read as follows:

2. The authority citation for 49 CFR Part 38 is revised to read as follows:

3. On page 25415, in the third column, amendatory instruction 3, relating to the revision of § 37.27(b), is corrected to read as follows:

3. In part 37, § 37.27(b) is revised to read as follows:

4. On page 25416, in the second column, in the amendment to § 37.135(c)(1), the citation in the final sentence of the paragraph to "§§ 37.137-37.139" is corrected to read "§§ 37.137(a) and (b), 37.138 and 37.139".

5. On page 25416, in the third column, amendatory instruction 12, relating to Appendix D to Part 37, is corrected to read as follows:

12. In Part 37, Appendix D, the paragraph entitled "Section 37.13 Effective Date for Certain Vehicle Lift Specifications" is amended by replacing the words "new 30" by 48"" with the words "Part 38".

Rasheed J. Tahir,

Legal Assistant.

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National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule delegates to NHTSA's Chief Counsel the authority to issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.

EFFECTIVE DATE: May 28, 1996.

FOR FURTHER INFORMATION CONTACT: John Womack, Senior Assistant Chief Counsel, NHTSA, 400 Seventh Street, SW, Room 5219, Washington, DC 20590. Mr. Womack's telephone number is: (202) 366-9511.

SUPPLEMENTARY INFORMATION: This final rule revises the regulations on the organization of and delegation of powers and duties within the National Highway Traffic Safety Administration (NHTSA).

Since the creation of the agency, NHTSA's Chief Counsel has issued written interpretations of the statutes the agency administers and the regulations it issues. These interpretations, in the form of letters responding to questions from the motor vehicle industry and members of the public, have been available to the public in the agency's technical reference library in Washington. With the development of new technology, the agency is now able to make them available through the Internet on the World Wide Web. (The website is www.nhtsa.dot.gov. At that site, select "NHTSA's Library." On the "NHTSA Library" page, select "NHTSA's Interpretation Letters.")

In preparing to implement this new service, NHTSA noted that although the industry and the public have consistently recognized the implicit authority of the Chief Counsel to issue such interpretations, there was no formal delegation of that authority from the Administrator to the Chief Counsel. Therefore, in connection with the broadening of public access to these interpretations, and in order to eliminate any possible misunderstanding or doubt, NHTSA is amending 49 CFR 501.8(d) to formally delegate the authority to interpret applicable statutes and regulations to the Chief Counsel.

This action should be construed as a confirmation of a preexisting implicit delegation, and does not invalidate in any way the interpretations that have previously been issued by the Office of Chief Counsel. However, interested persons should recognize that all interpretations are necessarily based on the facts presented in individual cases and the law that exists at the time the interpretation is issued. Since the agency's statutes and regulations change from year to year, past interpretations may no longer be applicable under current law.

As matters relating to agency management, the amendments made by this document are not covered by the notice and comment or the effective date requirements of the Administrative Procedure Act. These amendments relate solely to changes in the scope of the delegation of authority from the NHTSA Administrator to the Chief Counsel and have no substantive effect. Notice and the opportunity for comment are, therefore, not required, and these

amendments are effective immediately upon publication in the Federal Register. In addition, these amendments are not subject to Executive Order 12866, the Department of Transportation's regulatory policies and procedures, or the provisions for Congressional review of final rules in Chapter 8 of Title 5, United States Code.

List of Subjects in 49 CFR Part 501

Authority, Delegations.

In consideration of the foregoing, 49 CFR part 501 is amended as follows:

PART 501—[AMENDED]

1. The authority citation for part 501 continues to read as follows:

Authority: 49 U.S.C. sections 105 and 322; delegation of authority at 49 CFR 1.50.

2. Section 501.8 is amended by adding a new paragraph (d)(5) to read as follows:

§ 501.8 Delegations

* * * * *

(d) * * *

(5) Issue authoritative interpretations of the statutes administered by NHTSA and the regulations issued by the agency.

* * * * *

Issued on: May 22, 1996.

Ricardo Martinez,
Administrator.

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