

60060.....015563" and in the table in paragraph (c)(2) in the entry for "015563" by removing the sponsor name "Agribusiness Marketers, Inc.," and adding in its place "Mallinckrodt Veterinary Operations, Inc., 421 East Hawley St., Mundelein, IL 60060."

Dated: April 4, 1996.

Robert C. Livingston,
Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 96-9779 Filed 4-19-96; 8:45 am]
BILLING CODE 4160-01-F

21 CFR Part 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor name for a new animal drug application (NADA) from MAC-PAGE, Inc., to ADM Animal Health & Nutrition Div.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0213.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 6, 1994 (59 FR 50828), FDA published a final rule amending the animal drug regulations to reflect the change of sponsors for all NADA's held by Central Soya, P. O. Box 1400, Fort Wayne, IN 46801-2508, including MAC-PAGE, Inc., 1600 South Wilson Ave., Dunn, NC 28334, a wholly-owned subsidiary of Central Soya, transferred to Premiere Agri Technologies, Inc. The subsidiaries retained their names and drug labeler codes. In the Federal Register of September 11, 1995 (60 FR 40752), FDA published a final rule amending the animal drug regulations to reflect the change of sponsor name from Premiere Agri Technologies, Inc., and the names of all wholly-owned subsidiaries, to ADM Animal Health & Nutrition Div., P.O. Box 2508, Fort Wayne, IN 46801-2508. Both final rules, which reflected these changes, inadvertently did not include NADA 131-957 (Tylosin). This document corrects that error. Accordingly, FDA is amending the regulations in 21 CFR 558.625 to reflect the change of sponsor.

List of Subject in 21 CFR Part 558

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.625 [Amended]

2. Section 558.625 *Tylosin* is amended in paragraph (b)(79) by removing "047427" and adding in its place "012286".

Dated: April 4, 1996.

Robert C. Livingston,
Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 96-9784 Filed 4-19-96; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1313 and 1316

[DEA No. 112C]

Implementation of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103-200); Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published on Thursday, June 22, 1995 (60 FR 32447). The regulations related to the registration, recordkeeping and reporting requirements for manufacturers, distributors, importers and exporters of listed chemicals.

EFFECTIVE DATE: April 22, 1996.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307-7297.

SUPPLEMENTARY INFORMATION: The final regulations that are the subject of these corrections implement the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103-200) (DCDCA). The regulations amend Title 21, Code of Federal Regulations, to add a new Part 1309 and revise certain sections in Parts

1310, 1313 and 1316. As published, the final regulations contain errors that could cause confusion in the regulated industry.

Accordingly, the publication June 22, 1995 of the final regulations to implement the DCDCA, which were the subject of Federal Register Document 95-14978, is corrected as follows:

PART 1313—[CORRECTED]

1. On page 32465, in the first column, the section heading which reads "§ 1312.32 Requirement of authorization for international transactions." is corrected to read "§ 1313.32 Requirement of authorization for international transactions."

PART 1316—[CORRECTED]

2. On page 32465, in the third column, amendment Number 1 immediately following PART 1316—[AMENDED] is corrected to read as follows:

1. The authority citation for Part 1316, Subpart A is amended to read as follows:

Authority: 21 U.S.C. 822(f), 830(a), 871(b), 880, 958(f), 965.

Dated: April 16, 1996.
Stephen H. Greene,
Deputy Administrator, Drug Enforcement
Administration.

[FR Doc. 96-9813 Filed 4-19-96; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

[FHWA Docket No. 95-12]

RIN 2125-AD38

Design Standards for Highways; Geometric Design of Highways and Streets

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: The National Highway System (NHS) was established by the National Highway System Designation Act of 1995 (Pub. L. 104-59, 109 Stat. 568). To reflect the establishment of the NHS, the FHWA is revising several areas of the text in its regulation governing design standards for highways; updating the listing of standards; relocating the guides and references; and adopting as its interim

policy for the design standards which apply to highway construction and reconstruction projects on the NHS, a 1994 revision of the American Association of State Highway and Transportation Officials' (AASHTO) publication, "A Policy on Geometric Design of Highways and Streets" (Policy). The primary reason for development of the new Policy was to convert the numerical values in AASHTO's 1990 Policy to the metric system (SI). With the recent enactment of the National Highway System Designation Act of 1995 (Pub. L. 104-59, 109 Stat. 568), conversion to the metric system by the States now must take place by September 30, 2000. Almost all of the States are continuing their conversion to metric to meet the previously established deadline of September 30, 1996. This regulation will assure the States and other FHWA partners that the metric conversions used to formulate their plans will be consistent with the values adopted by the FHWA.

DATES: This interim final rule is effective May 22, 1996. Comments must be received on or before June 21, 1996. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of November 7, 1995.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 95-12, Federal Highway Administration, Office of the Chief Counsel, Room 4232, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed stamped postcard. The current design standards are on file at the Office of the Federal Register in Washington, DC, and are available for inspection and copying from the FHWA Washington Headquarters and all FHWA Division and Regional Offices as prescribed in 49 CFR Part 7, appendix D. 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, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mr. Seppo I. Sillan, Geometric and Roadside Design Branch, Federal-Aid and Design Division, Office of Engineering (202) 366-0312, or Mr. Wilbert Baccus, Office of Chief Counsel (202) 366-0780,

Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The text changes in 23 CFR part 625 reflect the establishment of the National Highway System (NHS) by the National Highway System Designation Act of 1995 (Pub. L. 104-59, 109 Stat. 568) (NHS Act) as the basic highway network in the United States. References to "Federal-aid highway projects" have accordingly been changed to "NHS projects." The standards, policies, and standard specifications that have been approved by the FHWA for application on all projects on the NHS are incorporated by reference in 23 CFR part 625.

Section 625.3(d) of the rule provides that these Federal design standards apply to all projects on the NHS, regardless of funding source. Under prior law, Federal standards applied to most projects solely as a condition of receipt of Federal grant funds. The change, applying Federal standards even to NHS projects wholly funded by a State, is based on provisions in both the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240, 105 Stat. 1914) (ISTEA) and the NHS Act, and is consistent with the purpose for which the NHS was established. In 23 U.S.C. 109(c), as amended by § 304 of the NHS Act, the Secretary is required, in cooperation with the State highway departments, to approve design and construction standards on the NHS. These provisions mirror the language and assignment of responsibility appearing in 23 U.S.C. 109(b), which has long been interpreted to require the Secretary to establish design standards for the Interstate System without regard for funding source. In expanding the Secretary's authority to all roads on the NHS, Congress sought to accommodate interstate commerce by ensuring a uniform, safe, interconnected system of principal arterial routes.

Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards. This change implements section 1016(d) of the ISTEA, which added a new subsection (p) to 23 U.S.C. 109 requiring non-NHS projects to meet State standards.

The 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 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 nonvoting 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, policies and standard specifications approved by the FHWA and incorporated in 23 CFR 625 were developed and issued by the AASHTO. Revisions made to such documents by the AASHTO are independently reviewed and adopted by the FHWA before they are applied to NHS projects.

Recently the AASHTO revised the publication "A Policy on Geometric Design of Highways and Streets" (Policy). The primary reason for development of the new document was to convert the numerical values in the 1990 Policy to the metric system (SI). The FHWA's Metric Conversion Policy, published in the Federal Register on June 11, 1992, provided that newly authorized Federal-aid construction contracts must be only in metric units by September 30, 1996. Although this date will have to be changed to September 30, 2000, to comply with the recently enacted NHS Act, almost all of the States are continuing their conversion to metric to meet the previously established deadline of September 30, 1996. This rulemaking is intended to assure the States and other FHWA partners that the metric conversions used to formulate their plans will be consistent with the values adopted by the FHWA. Another reason for revising the Policy is to provide the latest design criteria. A more detailed discussion of the changes in the revised Policy is included later in this preamble.

In 1992, the FHWA initiated a phased 5-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. 100-418, 102 Stat. 1107, 1451 (Metric Act). Section 3 of this Act set a deadline date of September 30, 1992, for each Federal Government agency to begin using International System of Units (SI) in procurements, grants, and other business-related activities, except to the extent that such use is impractical or would likely cause significant inefficiencies or loss of markets to United States firms.

In order to comply with the Metric Act, the FHWA developed a list of deadlines for converting to the metric system, which was published on June

11, 1992, at 57 FR 24843. This notice established that all newly authorized Federal-aid contracts must use only metric units by September 30, 1996. Although this date will have to be changed to September 30, 2000, to comply with the recently enacted NHS Act, almost all of the States are continuing their conversion to metric to meet the previously established deadline of September 30, 1996. In order to comply with the above deadline, and because it often takes several years between the time when designs are initiated and when projects are authorized, States have already begun to design projects using the metric system. Accordingly, the AASHTO developed and published the new Policy which uses only metric values for geometric design. Through this rulemaking the FHWA is adopting metric conversion values established by the AASHTO in this new Policy.

The new Policy has replaced the previous version of this Policy, which was published by the AASHTO in 1990 and adopted by the FHWA in a final rule published in the Federal Register on April 29, 1993 (58 FR 25939). The new Policy will constitute FHWA's policy on the geometric design of projects on the NHS. The 1994 Policy also takes the place of the publication entitled "Interim Selected Metric Values for Geometric Design," AASHTO 1993, which was adopted by FHWA in a final rule published in the Federal Register on December 10, 1993 (58 FR 64897).

Although the standards contained in the Policy apply to the Interstate System, specific guidance applicable to highways on the Interstate System is included in another AASHTO publication, "A Policy on Design Standards—Interstate System." The current edition of that publication will be converted to the metric system in the near future.

Generally, the criteria in the functional chapters on local roads and streets and on collectors (Chapters V and VI of the Policy) are not applicable to projects on the NHS. However, if highway segments functionally classified as less than principal arterials are incorporated in the NHS by virtue of being Strategic Highway Network (STRAHNET) Connectors or Intermodal Connectors, the standards used may be those appropriate for the functional classification of the segment taking into account the type of traffic using the segment.

Summary of Changes

The following revisions have been made to the list of standards, policies, and standard specifications in § 625.4:

1. "A Policy on Geometric Design of Highways and Streets," AASHTO 1990, has been updated to indicate the 1994 edition.
2. "Interim Selected Metric Values for Geometric Design," AASHTO 1993, has been deleted because metric values are now included in "A Policy on Geometric Design of Highways and Streets."
3. "A Policy on U-Turn Median Openings on Freeways," AASHTO 1960, has been deleted. This document is no longer applicable and not available from AASHTO.
4. "A Policy on Access Between Adjacent Railroads and Interstate Highways," AASHTO 1960, has been deleted. This document is no longer applicable and not available from AASHTO.
5. "Water Supply and Sewage Treatment at Safety Rest Areas," FHWA, 23 CFR part 650, subpart E, has been deleted. The safe drinking water requirements of this regulation have been superseded by the national primary drinking water regulations promulgated by the U.S. Environmental Protection Agency (40 CFR part 141) and the States to comply with safe drinking water legislation.
6. "Standard Specifications for Highway Bridges," Thirteenth Edition, AASHTO 1983, has been updated to indicate the fifteenth edition published in 1992 and "Interim Specifications—Bridges," AASHTO 1984 through 1988, has been updated to indicate the 1993 through 1995 editions.
7. "AASHTO LRFD Bridge Design Specifications," AASHTO 1994, has been added. These improved load and resistance factor design specifications are an alternative to the long-standing "Standard Specifications for Highway Bridges," AASHTO.
8. "Bridge Welding Code, ANSI/AASHTO/AWS D1.5-88," AASHTO has been updated to indicate the 1995 edition.
9. "Reinforcing Steel Welding Code" has been updated to indicate the new name and current edition, "Structural Welding Code—Reinforcing Steel," 1992.
10. "Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals," AASHTO, has been updated to indicate the 1994 edition.

Section 625.5, Guides and References, contains a listing of references which are informational or guidance in character. This section is being removed from 23 CFR part 625 and will appear instead in the "Federal-Aid Policy Guide" (FAPG). The FAPG is an organized, looseleaf, single source

documentation of the FHWA's current policies, regulations and nonregulatory procedural guidance information related to the Federal-aid highway program. It is available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

The remaining discussion in this section describes the changes in the new edition of the Policy. There were a number of changes that were made throughout the Policy. These include the following:

1. All dimensions were converted to the metric system.
2. Slope is expressed in nondimensional ratios. The vertical component is shown first and then the horizontal.
3. Superelevation is expressed in percent.
4. The more descriptive terms "traveled way," "roadway," "lane," and "highway" have been substituted for the term "pavement" where appropriate; however, where the term "pavement" refers to a type of surface it is retained.

The following paragraphs provide a brief synopsis of the information that is included in each of the 10 chapters of the Policy and, as appropriate, any significant additions, revisions or deletions beyond those listed above made to the currently approved 1990 AASHTO Policy in the 1994 Policy.

Chapter I—Highway Functions

In this chapter the concept of functional classification is presented and the various components considered in detail. This serves as an introduction to functional classification and an explanation of how the concept is employed in the publication. There are no significant changes made in this chapter other than identification of the NHS as a new administrative system.

Chapter II—Design Controls and Criteria

Those characteristics of vehicles, pedestrians, and traffic that act as criteria for design of various highway and street functional classes are covered in this chapter. The coverage of capacity is revised to agree with the Transportation Research Board's revised chapters of the "Highway Capacity Manual." (At the time this part of the new Policy was undergoing revision, in mid-1993, a number, but not all, of the chapters in the manual had been revised.)

More emphasis is placed on accommodating elderly persons based on information that has been published and studies that have been conducted since the old Policy was published. More information on bicycle transportation and characteristics has

been included. The concept of "access management," which refers to setting access standards for various types of highways and incorporating access standards into legislation, has been added to the section on "Access Control." The terminology used in the Americans with Disabilities Act (ADA), Pub. L. 101-336, 104 Stat. 327, and its implementing regulations has been incorporated in the discussion on designing highways and facilities to meet the needs of persons with disabilities.

Chapter III—Elements of Design

The basic elements of design, such as sight distance, horizontal alignment, superelevation, widths of turning roadways, vertical alignment, maximum grades and climbing lanes are covered in this chapter. Significant revisions to the chapter include the following:

1. In order to eliminate confusion as to which values are used to calculate lengths of vertical and horizontal curves, only the calculated values of stopping and passing sight distance are shown. These unrounded values are used in calculating lengths of vertical curves and, then, the lengths of vertical curves are rounded, as was done in the old Policy.
2. Degree of curve is eliminated; curve criteria is based only on radius.
3. The term "crown" has been replaced by more appropriate terminology such as "cross slope" in most places.
4. The information on distribution of superelevation and superelevation runoff for curves with radius greater than minimum for low-speed urban streets has been eliminated and a recommendation that as much superelevation and as long runoff lengths as possible be provided even on curves greater than minimum is included.
5. The values for the minimum middle ordinate on the inside of horizontal curves needed to provide horizontal stopping sight distance are based on computed values rather than rounded values.
6. The information on design and capacity of climbing lanes for two-lane and multilane highways has been revised based on the new, revised chapters of the "Highway Capacity Manual."
7. The information on truck escape ramps has been updated based on the latest published information.
8. The new Policy notes that personal computers can be used to assist designers in developing vertical and horizontal alignments.

9. The section on "Maintenance of Traffic Through Construction Areas" has been revised to be consistent with the "Manual on Uniform Traffic Control Devices."

10. The references on highway drainage have been revised to refer to the latest publications.

Chapter IV—Cross Section Elements

The elements of a highway, such as pavement cross slope, traffic lanes, shoulders, medians, frontage roads, and roadsides are discussed in this chapter. Significant revisions to the chapter include the following:

1. More information on design to accommodate bicyclists has been added.
2. The information on design of and use of curbs has been revised.
3. The section on design of pedestrian facilities has been modified somewhat to conform to the ADA implementing regulations.

Chapter V—Local Roads and Streets

The design guidance applicable to those roads functionally classified as local rural roads and local urban streets is covered in this chapter. Significant revisions include the following:

1. Traffic volume criteria in the tables for design speed, traveled way, shoulder width, and width and design loading for bridges is presented on the common basis of average daily traffic (ADT). This is based on recent research which concluded the existing practice of mixing ADT and design hour volume (DHV) was confusing.
2. The values for minimum widths of traveled way and shoulder for local roads having various ranges of ADT have been modified based on National Cooperative Highway Research Program (NCHRP) Report 362, "Roadway Width for Low Traffic Volume Roads." In particular, a 5.4 m traveled way is now permitted for highways with ADT's of under 400. For rural local roads with ADT's of 400 to 1500 the lane and shoulder widths may be adjusted to a minimum roadway width of 9.0 m.

Chapter VI—Collector Roads and Streets

The design guidance applicable to those roads functionally classified as rural collector roads and urban collector streets is covered in this chapter. Significant revisions to the chapter include the following:

1. Traffic volume criteria in the tables for design speed, traveled way, shoulder width, and width and design loading for bridges is presented on the common basis of ADT. This is based on recent research which concluded the existing practice of mixing ADT and DHV was confusing.

2. The values for minimum widths of traveled way and shoulder for rural collector roads having various ranges of ADT have been modified based on NCHRP Report 362, "Roadway Width for Low Traffic Volume Roads." In particular, 2.7 m lane widths are now permitted for highways with ADT's of 250 or less and design speeds of 60 km/h or less.

3. Traveled ways of a minimum width of 6.6 m are permitted to remain on reconstructed highways with any ADT provided the alignment is adequate and the safety records are satisfactory.

4. More information on design to accommodate bicycles is included.

Chapter VII—Rural and Urban Arterials

The basis for design of the principal and minor arterial road systems in rural and urban areas is presented in this chapter.

The only significant change between the old and new Policy was to modify the table providing minimum widths of traveled way and shoulder based on information in NCHRP Report 362. Traffic volume criteria in the table is only in terms of ADT (either current or projected) and the width of traveled way for ADT's of 400 to 2000 and design speeds of under 100 km/h have been reduced slightly.

Chapter VIII—Freeways

The various types of freeways, their design elements, controls, criteria and cross-sectional elements are covered in this chapter. The only significant change to this chapter was to eliminate specific right-of-way widths for the freeway cross sections. It is not considered necessary to specify a total right-of-way width since this is the sum of the individual cross-sectional elements.

Chapter IX—At-Grade Intersections

The basic types of intersections and the elements involved in their designs, primarily those concerning the accommodation of turning movements, are described in this chapter. The following are the major changes in the chapter:

1. Information on design to accommodate bicycles has been added.
2. A discussion concerning the provision of free-flow right turns where speed change lanes are not provided and where pedestrians and bicyclists are a consideration has been added.
3. Another Case dealing with stopped vehicles turning left from a major highway has been added to the discussion on intersection control.
4. The section on sight distance at ramp terminals was eliminated because

sight distance at these locations is calculated in the same manner as at any other intersection.

5. The section on railroad grade crossings was revised to add information on highway intersections adjacent to railroad grade crossings.

Chapter X—Grade Separations and Interchanges

The basic types of interchanges and grade separations, along with the design of their features, are discussed in this chapter. The following are the significant changes in this chapter:

1. Information on single point diamond interchanges was added.

2. Information on the accommodation of pedestrians at interchanges was added.

3. A discussion on ramp metering was added.

4. Most of the information on models was eliminated because models and model types are illustrative only and not directly related to design criteria.

Review Procedure

Based on an analysis of public comments received, and its own independent review, the FHWA will reexamine the acceptability of modifications adopted by this rule.

Rulemaking Analysis and Notices

Section 553(b)(3)(B) of the Administrative Procedure Act provides that agencies 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.

The FHWA has determined that publication of a notice of proposed rulemaking would be contrary to the public interest. The FHWA's Metric Conversion Policy provides that newly authorized Federal Lands and Federal-aid construction contracts be formulated solely in metric units by September 30, 1996. Although this date will have to be changed to September 30, 2000, to comply with the recently enacted NHS Act, almost all of the States are continuing their conversion to metric to meet the previously established deadline of September 30, 1996. The Metric Conversion Policy was developed as required by Section 3 of the Metric Act, which mandates that all Federal Government agencies begin using the International System of Units in procurements, grants, and other business-related activities. Planning for Federal Lands and Federal-aid construction projects is already well underway, and States and other FHWA partners need to know now that the

metric conversions used to formulate their plans will match the FHWA's conversions. Thus the FHWA believes that implementation of AASHTO's new Policy, which uses only metric values, should be accomplished as soon as possible. Adoption of the metric values in the new Policy now provides necessary certainty and continuity for States and other FHWA partners including highway construction contractors and consultants.

The FHWA has also determined that prior notice and opportunity to comment are unnecessary. The text changes in 23 CFR part 625 only reflect the establishment of the National Highway System. The significant change is incorporation of the new Policy and the metric values contained therein. The FHWA has determined, however, that the metric values used in the new AASHTO Policy are essentially the same as the English measurements already adopted by the FHWA pursuant to notice and comment rulemaking. That rulemaking appeared in the Federal Register on April 29, 1993, wherein FHWA adopted AASHTO's old Policy. On December 10, 1993, FHWA adopted AASHTO's "Interim Selected Metric Values for Geometric Design," which were meant to provide the States with metric values for the most critical elements of geometric design. Other changes to the old Policy that have been incorporated into the new Policy for the most part merely clarify the meaning of certain terminology, incorporate the latest geometric design information, or correct some minor errors in the old Policy.

Accordingly, the FHWA anticipates that prior notice and opportunity for comment will most likely not result in the receipt of useful information. Nonetheless, public comment is solicited on this action. Comments received will be carefully considered in evaluating whether any change to this action is needed.

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. The metric values selected in the new Policy are functionally equivalent to the English system measurements contained in the old Policy previously adopted by notice and comment rulemaking. Although the new Policy contains new material, the basic criteria remain essentially the same. In

all practicality, the new Policy reflects the criteria, for the most part, which have been in use in designing Federal-aid highways. It is anticipated that the economic impact of the rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-345, 5 U.S.C. 601-612) the FHWA has evaluated the effects of this rule on small entities. 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. As stated above, the FHWA made this determination based on the fact that metric values in the new Policy are functionally equivalent to the English system values they replace and the new material in the new Policy reflects criteria which for the most part is presently in use.

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 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 1980, 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 625

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued on: April 8, 1996.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA is amending Chapter I of title 23, Code of Federal Regulations as follows:

1. Part 625 is revised to read as follows:

PART 625—DESIGN STANDARDS FOR HIGHWAYS

Sec.

625.1 Purpose.

625.2 Policy.

625.3 Application.

625.4 Standards, policies, and standard specifications.

Authority: 23 U.S.C. 109, 315, and 402; sec. 1073 of Pub. L. 102-240, 105 Stat. 1914, 2012; 49 CFR 1.48 (b) and (n).

§ 625.1 Purpose.

To designate those standards, policies, and standard specifications that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design of highways.

§ 625.2 Policy.

(a) Plans and specifications for proposed National Highway System (NHS) projects shall provide for a facility that will—

(1) Adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

(2) Be designed and constructed in accordance with criteria best suited to accomplish the objectives described in paragraph (a)(1) of this section and to conform to the particular needs of each locality.

(b) Resurfacing, restoration, and rehabilitation (RRR) projects, other than those on the Interstate system and other freeways, shall be constructed in accordance with standards which preserve and extend the service life of highways and enhance highway safety. Resurfacing, restoration, and rehabilitation work includes placement of additional surface material and/or other work necessary to return an existing roadway, including shoulders, bridges, the roadside, and

appurtenances to a condition of structural or functional adequacy.

(c) An important goal of the FHWA is to provide the highest practical and feasible level of safety for people and property associated with the Nation's highway transportation systems and to reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways.

§ 625.3 Application.

(a) Applicable standards. (1) Design and construction standards for new construction, reconstruction, resurfacing (except for maintenance resurfacing), restoration, or rehabilitation of a highway on the NHS (other than a highway also on the Interstate System) shall be those approved by the Secretary in cooperation with the State highway departments. These standards may take into account, in addition to the criteria described in § 625.2(a), the following:

(i) The constructed and natural environment of the area;

(ii) The environmental, scenic, aesthetic, historic, community, and preservation impacts of the activity; and

(iii) Access for other modes of transportation.

(2) Federal-aid projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards.

(b) The standards, policies, and standard specifications contain specific criteria and controls for the design of NHS projects. Deviations from specific minimum values therein are to be handled in accordance with procedures in paragraph (f) of this section. If there is a conflict between criteria in the documents enumerated in § 625.4 of this part, the latest listed standard, policy, or standard specification will govern.

(c) Application of FHWA regulations, although cited in § 625.4 of this part as standards, policies, and standard specifications, shall be as set forth therein.

(d) This regulation establishes Federal standards for work on the NHS regardless of funding source.

(e) The Division Administrator shall determine the applicability of the roadway geometric design standards to traffic engineering, safety, and preventive maintenance projects which include very minor or no roadway work. Formal findings of applicability are expected only as needed to resolve controversies.

(f) Exceptions. (1) Approval within the delegated authority provided by FHWA Order M1100.1 may be given on a project basis to designs which do not

conform to the minimum criteria as set forth in the standards, policies, and standard specifications for:

(i) Experimental features on projects; and

(ii) Projects where conditions warrant that exceptions be made.

(2) The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections of roadway and the probable time before reconstruction of the section due to increased traffic demands or changed conditions.

§ 625.4 Standards, policies, and standard specifications.

The documents listed in this section are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and are on file at the Office of the Federal Register in Washington, DC. They are available as noted in paragraph (d) of this section. The other CFR references listed in this section are included for cross reference purposes only.

(a) Roadway and appurtenances. (1) A Policy on Geometric Design of Highways and Streets, AASHTO 1994. (See § 625.4(d)(1))

(2) A Policy on Design Standards—Interstate System, AASHTO 1991. (See § 625.4(d)(1))

(3) The geometric design standards for resurfacing, restoration, and rehabilitation (RRR) projects on NHS highways other than freeways shall be the procedures and the design or design criteria established for individual projects, groups of projects, or all nonfreeway RRR projects in a State, and as approved by the FHWA. The other geometric design standards in this section do not apply to RRR projects on NHS highways other than freeways, except as adopted on an individual State basis. The RRR design standards shall reflect the consideration of the traffic, safety, economic, physical, community, and environmental needs of the projects.

(4) Erosion and Sediment Control on Highway Construction Projects, refer to 23 CFR part 650, subpart B.

(5) Location and Hydraulic Design of Encroachments on Flood Plains, refer to 23 CFR part 650, subpart A.

(6) Procedures for Abatement of Highway Traffic Noise and Construction Noise, refer to 23 CFR part 772.

(7) Accommodation of Utilities, refer to 23 CFR part 645, subpart B.

(8) Pavement Design, refer to 23 CFR part 626.

(b) Bridges and structures. (1) Standard Specifications for Highway Bridges, Fifteenth Edition, AASHTO 1992. (See § 625.4(d)(1))

(2) Interim Specifications—Bridges, AASHTO 1993. (See § 625.4(d)(1))

(3) Interim Specifications—Bridges, AASHTO 1994. (See § 625.4(d)(1))

(4) Interim Specifications—Bridges, AASHTO 1995. (See § 625.4(d)(1))

(5) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (U.S. Units). (See § 625.4(d)(1))

(6) AASHTO LRFD Bridge Design Specifications, First Edition, AASHTO 1994 (SI Units). (See § 625.4(d)(1))

(7) Standard Specifications for Movable Highway Bridges, AASHTO 1988. (See § 625.4(d)(1))

(8) Bridge Welding Code, ANSI/AASHTO/AWS D1.5–95, AASHTO. (See § 625.4(d)(1) and (2))

(9) Structural Welding Code—Reinforcing Steel, ANSI/AWS D1.4–92, 1992. (See § 625.4(d)(2))

(10) Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals, AASHTO 1994. For use on NHS projects, the requirement for maximum change in velocity in Section 7, Breakaway Supports, may be 16 fps in lieu of the 15 fps contained in the AASHTO specifications. (See § 625.4(d)(1))

(11) Navigational Clearances for Bridges, refer to 23 CFR part 650, subpart H.

(c) Materials. (1) General Materials Requirements, refer to 23 CFR part 635, subpart D.

(2) Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II, AASHTO 1995. (See § 625.4(d)(1))

(3) Sampling and Testing of Materials and Construction, refer to 23 CFR part 637, subpart B.

(d) Availability of documents incorporated by reference. The documents listed in § 625.4 are incorporated by reference and are on file and available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC. These documents may also be reviewed at the Department of Transportation Library, 400 Seventh Street, SW, Washington, DC, in Room 2200. These documents are also available for inspection and copying as provided in 49 CFR part 7, appendix D. Copies of these documents may be obtained from the following organizations:

1. American Association of State Highway and Transportation Officials (AASHTO), Suite 249, 444 North

Capitol Street, NW, Washington, DC 20001.

2. American Welding Society (AWS), 2501 Northwest Seventh Street, Miami, FL 33125.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31 and 602

[TD 8664]

RIN 1545–AL99

Information Reporting and Backup Withholding

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations that provide rules regarding the reporting on Form 1042–S of certain bank deposit interest paid with respect to a United States bank account to an individual who is a nonresident alien of the United States and a resident of Canada. The IRS has determined that information concerning those deposits would be of significant use in furthering its compliance efforts, which include exchange of tax information with Canada.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Teresa Burrridge Hughes, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–0096. Responses to this collection of information are mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

The estimated annual burden per respondent/recordkeeper is approximately .10 hour, depending on individual circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, PC:FP,

Washington DC 20224, and the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document contains final regulations to be added to the Income Tax Regulations (26 CFR part 1) under section 6049 of the Internal Revenue Code (Code). The final regulations provide rules regarding reporting on Form 1042–S of certain bank deposit interest paid with respect to a United States bank account to a nonresident alien individual who is a resident of Canada.

Proposed regulations on this subject were set forth, at §§ 1.6049–5(e)(2), 1.6049–6(e)(6), and 31.3406(a)–3(b)(1), in a notice of proposed rulemaking published in the Federal Register (53 FR 5991) on February 29, 1988 [INTL–52–86 (1988–1 C.B. 892)]. The IRS received comments on the proposed regulations and held a public hearing on June 15, 1989. Having considered the comments and the statements made at the hearing, the IRS and the Treasury Department adopt the proposed regulations as modified by this Treasury decision.

Explanation of Provisions

A. Reporting of Payments to Canadians

This Treasury decision requires reporting on a Form 1042–S of certain interest paid on deposits maintained at a bank's office within the United States when paid to a nonresident alien individual who is a resident of Canada. However, interest on certain bearer certificates of deposit targeted to foreign persons is excepted from the reporting requirement if the interest is paid outside the United States. This final regulation makes an exception to the current rule, based on § 1.6049–5(b), that certain interest amounts paid to non-U.S. persons is not subject to reporting if a statement certifying non-U.S. status is furnished to the payor or middleman on a Form W–8 (Certificate of Foreign Status), as described in § 1.6049–5(b)(2)(iv). However, although bank deposit interest paid to Canadians is made subject to reporting under this final regulation, backup withholding