

temporary deviation from the drawbridge operation regulations for the P.J. McArdle Bridge, mile 0.3, across the Chelsea River between Chelsea and East Boston, Massachusetts. This withdrawal was necessary because the bridge has been repaired and is operating under its normal operating regulations. The normal operating regulations require the bridge to open on signal at all times for vessel traffic.

**DATES:** This deviation withdrawal is effective January 18, 2000.

**FOR FURTHER INFORMATION CONTACT:** John McDonald, Project Officer, First Coast Guard District, at (617) 223-8364.

**SUPPLEMENTARY INFORMATION:** The bridge owner, the City of Boston, requested a temporary deviation from the operating regulations to facilitate vehicular and pedestrian traffic during electrical repairs at the P. J. McArdle Bridge, mile 0.3, across the Chelsea River between East Boston and Chelsea, Massachusetts. The submarine electrical cable for the bridge was damaged during harbor dredging operations requiring emergency repairs to be implemented in order to restore bridge operation and facilitate marine traffic.

The Coast Guard issued a temporary deviation from the operating regulations published in the **Federal Register** (65 FR 2541; January 18, 2000) effective January 6, 2000 through March 5, 2000. The purpose of the deviation was to help facilitate vehicular traffic during the weekday rush hours.

A temporary auxiliary operating system has been installed to open the bridge and the bridge is now operating under its normal operating regulations.

The temporary deviation from the operating regulations is no longer necessary as a result of the bridge being returned to a fully operable status. The bridge owner was advised on January 18, 2000, that the deviation has been withdrawn.

Notice is given that the P.J. McArdle Bridge, mile 0.3, across the Chelsea River shall open on signal at all times for vessel traffic.

Dated: January 25, 2000.

**R.M. Larrabee,**

*Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-00-003]

RIN 2115-AE47

#### Drawbridge Operation Regulations: Reserved Channel, Massachusetts

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is removing the drawbridge operation regulations governing the Summer (L) Street Bridge, mile 0.2, across the Reserved Channel in Boston, MA. The bridge has been rebuilt as a fixed bridge and the operating regulations are no longer necessary. Notice and public procedure have been omitted from this action because the bridge the regulations formerly governed no longer exists.

**DATES:** This rule is effective February 9, 2000.

**ADDRESSES:** This docket (CGD01-00-003), is available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

The Summer (L) Street Bridge has been removed and replaced with a fixed bridge that does not open for navigation. The operating regulations are now unnecessary and will be removed by this final rule.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because notice and comment are unnecessary. Notice and comment are unnecessary because the bridge the regulations governed no longer exists.

The Coast Guard, for the reasons stated above, has determined that good cause exists for this rule to be effective upon publication in the **Federal Register**.

##### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and

Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge the regulations governed no longer exists.

##### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

For reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

##### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

##### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

##### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

##### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

##### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize

litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

#### **§ 117.617 [REMOVED]**

2. Section 117.617 is removed.

Dated: January 25, 2000.

**R.M. Larrabee,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

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### ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

### Approval and Promulgation of Implementation Plans

### CFR Correction

In Title 40 of the Code of Federal Regulations, part 52 (§§ 52.01 to 52.1018), revised as of July 1, 1999, page

533, § 52.820 is corrected by adding the effective date note following the source note as follows:

#### **§ 52.820 Identification of plan.**

\* \* \* \* \*

**Effective Date Note:** At 64 FR 25827, May 13, 1999, § 52.820, paragraph (c) was amended by revising the entries for "567-20.2" in Chapter 20, "567-22.1, 567-22.203, and 567-22.300" in Chapter 22, "567-23.1" in Chapter 23, "567-25.1" in Chapter 25, and "567-28.1" in Chapter 28, effective July 12, 1999. For the convenience of the user, the superseded text is set forth as follows:

\* \* \* \* \*

[FR Doc. 00-55502 Filed 2-8-00; 8:45 am]

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### DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**Docket No. NHTSA 2000-6740**

**RIN 2127-AH64**

### Federal Motor Vehicle Safety Standards; Hydraulic and Electric Brake Systems; Passenger Car Brake Systems

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

**ACTION:** Response to petitions for reconsideration; final rule.

**SUMMARY:** This document responds to two petitions for reconsideration of amendments we made in September 1997 to Federal Motor Vehicle Safety Standards Nos. 105 and 135 specifying requirements for brake systems on electric vehicles (EV). In response to the petition by Hydro-Quebec of Canada, we are allowing the use, under certain conditions, of a regenerative braking system (RBS) for EV testing in accordance with S7.7 of Standard No. 135. This action is taken to facilitate new technology in the braking system of an EV. We are not amending Standard Nos. 105 and 135 in response to the petition for reconsideration by Toyota Motor Sales USA Inc. Amending the Standards as requested by Toyota may degrade the safety of EVs by reducing the stringency of the thermal tests.

**DATES:** The final rule is effective March 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Samuel Daniel, Vehicle Dynamics Division, Office of Vehicle Safety Standards, NHTSA (phone: 202-366-4921).

**SUPPLEMENTARY INFORMATION:**

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### I. Background

On September 5, 1997, we amended Federal Motor Vehicle Safety Standards (FMVSS) Nos. 105, Hydraulic Brake Systems, and 135, Passenger Car Brake Systems to accommodate EV brake systems. See 62 FR 46907 for full background information on this rule.

Electrically-powered vehicles have unique performance characteristics that do not permit them to be tested for braking performance in the same way that other light-duty vehicles are tested. For example, because of the limited range of EVs and the extensive travel distance specified in several Federal brake test series, we established procedures for re-charging or replacing the propulsion batteries during testing. Most EVs have a feature called a "regenerative braking system" (RBS) designed to extend the range of the vehicle by as much as 10 to 20 percent through conversion of vehicle kinetic energy into electrical energy when the vehicle is being decelerated. When operating, the RBS provides a vehicle deceleration, or braking force. The September 1997 amendments also established procedures for testing EV braking systems and EVs equipped with RBS.

We received two petitions for reconsideration of the final rule, from Hydro-Quebec of Canada (HQ), and from Toyota Motor Sales Corporation USA Inc. (Toyota).

### II. Petitions for Reconsideration

#### A. HQ's Petition for Reconsideration

1. *The petition.* HQ commented that S7.7.3(h) of FMVSS No. 135, which specifies that an EV with an RBS be tested with the RBS inoperative during the S7.7 Stops with Engine Off tests, is inconsistent with other parts of FMVSS No. 135. Specifically, the stopping distance performance requirements of S7.5, Cold Effectiveness and S7.7, Stops with Engine Off, are identical; each test requires that the vehicle be stopped from 100 km/h (62 mph) within a distance of 70 m (230 ft.). However, the