

Onself and Goods—Goods: § 13.1575
Comparative data or merits: § 13.1590
Composition: § 13.1665 Endorsements;
§ 13.1710 Qualities or properties;
§ 13.1730 Results; § 13.1740 Scientific or
other relevant facts. Subpart—
Neglecting, Unfairly or Deceptively, To
Make Material Disclosure: § 13.1845
Composition: § 13.1870 Nature; § 13.1885
Qualities or properties; § 13.1895
Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Health food products, Trade practices.
(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or
applies sec. 5, 38 Stat. 719, as amended; 15
U.S.C. 45, 52)

Emily H. Rock,
Secretary.

[FR Doc. 83-32230 Filed 12-1-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket 9145]

General Motors Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Detroit, Mich. motor vehicle manufacturer, among other things, to provide all interested persons with service bulletins (Product Service Publications) and indexes which describe both current and potential problems and update repair procedures. GM is also required to advertise the existence, availability and benefits of these publications in national magazines and through direct-mail notices. The indexes will list each service bulletin, provide ordering information and contain plain language summaries of certain bulletins. Additionally, GM is required to establish a nationwide arbitration program for car owners with unsatisfied complaints about engine or transmission failures.

DATES: Complaint issued August 7, 1980. Order issued November 16, 1983.¹

FOR FURTHER INFORMATION CONTACT: William W. Jacobs, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Monday, May 9, 1983, there was

published in the *Federal Register*, 48 FR 20730, *correction*, 48 FR 24724, a proposed consent agreement with analysis in the Matter of General Motors Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: §§ 13.533 Corrective actions and/or requirements; 13.533-5 Arbitration; 13.533-10 Corrective advertising; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-35 Employment of independent agencies; 13.533-45 Maintain records; 13.533-50 Maintain means of communication; 13.533-57 Restitution.

List of Subjects in 16 CFR Part 13

Motor vehicles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,
Secretary.

Separate Statement of Commissioner Pertschuk; General Motors Corporation, D. 9145

November 16, 1983.

The comments from consumers and consumer groups across the country provide eloquent testimony that case-by-case arbitration, in place of automatic redress to injured consumers, is a bitterly unpopular as well as unfair feature of this settlement. Consumer fury and frustration over the felt injustice of this burdensome remedy explodes from the letters. The hundreds of consumer comments that we received, most of them spontaneous expressions of outrage from unorganized individuals, are to my knowledge unprecedented in Commission history. Over 70% of them are opposed to the arbitration agreement, which they view as a repudiation of their right to automatic redress (only 14% favor it, while a like percent take no clear position). Moreover, many despair that they will ever recover their losses under this deal, since they feel individual arbitration

with an adversary like GM could never be a fair fight. One person, an attorney from Michigan experienced in dealing with GM, summed up the consumer's chances this way:

It will be like sending a team of Chinese, who have never seen or studied or played the game of football, into a contest with the Dallas Cowboys!

Comments from consumer groups, such as the Center for Auto Safety and Consumers Against GM, passionately criticized the arbitration settlement as unjust. The most jarring comment from any organized interest may have come from the nation's state law enforcement officers, who have been dealing with the GM transmission and diesel problem on the front lines. State attorneys general collectively voiced "grave reservations" about the fairness and workability of the Better Business Bureau arbitration system under the agreement. In a letter signed by 29 of them, they complained that "similarly situated consumers could get a whole loaf, a half a loaf or no loaf at all. Arbitrary arbitrations are not the answer to resolving this case."

Only a handful of individuals and organizations—e.g., GM and the BBB themselves, the American Arbitration Association, and two Attorneys General—took exception to this overwhelming expression of public opposition by favoring the settlement.

All in all, this extraordinary outcry hardens my conviction that case-by-case arbitrations of a common defect, in which each consumer has to prove a right to redress, is wrong in concept and in operation. Arbitration without clear, binding rules for establishing responsibility will still be little more than a "roll of the dice"—some truly deserving consumers will win, many won't. The only rational and equitable remedy for the common injury suffered in a case like this is automatic compensation for damages, not standardless mini-trials pitting individual consumers against the largest company in the world!

As *Automotive News* correspondent Helen Kahn wrote about the arbitration plan: "Dissatisfaction with the proposal has risen to such great heights as to almost demand a second look—even though final approval of a consent agreement after a public comment period is usually a mere rubber-stamping."

I couldn't agree more, but the public reaction regrettably has not moved the Commission majority in favor of the settlement to change their votes. And, in fairness to them, the many negative comments really raised no new

¹ Copies of the Complaint and the Decision and Order filed with the original documents.

fundamental objections to the agreement that did not exist when the Commission made its original decision to accept the consent last April.

Thus, with the settlement now an "on the ground" reality, it is time for those who have sought more for injured owners to help them get what they can from mediation and arbitration of their complaints. If nothing else, this controversy has reaffirmed the health of "populist democracy" in America, spawning any number of grass-roots "victims" networks determined to get economic justice from GM. While the CAS, CAGM, Lemons on Wheels, and all the others bitterly opposed the Commission settlement, they also have been preparing for the inevitable by organizing GM owners, centrally planning mediation/arbitration strategy, and disseminating self-help arbitration manuals. In addition, an article in the November issue of *Consumer Reports* provides an excellent guide through the GM/BBB arbitration program which will help consumers seeking an adequate award. GM owners thinking about entering the process should take full advantage of all this expert and organized support. If they confront GM together rather than alone, they can make the program work better, in spite of itself.

Issued: November 16, 1983.

Separate Statement of Commissioner Patricia P. Bailey; General Motors Corp., Docket No. 9145

The Commission's final acceptance of the consent agreement with General Motors Corporation (GM) brings to a close one of the most important and difficult cases the Commission has prosecuted in this decade. Because I am satisfied that the settlement resolves the GM litigation in a fair and equitable way and provides consumers with the opportunity to obtain redress that would otherwise not be available, or would only be available after years of uncertainty, I have voted in favor of its final acceptance.

I have studied carefully the points made by those opposing this settlement: that direct redress is preferable to arbitration as a remedy; that the fact sheets and other elements of the arbitration process may place consumers at a disadvantage; and that the Better Business Bureau (BBB) may be overwhelmed by its responsibilities under the program. The settlement here would clearly be more acceptable to these critics, and preferable to me, if it provided direct redress, or if the fact sheets were modified, or if a number of other changes were made. The plain fact is that altering the order in these various

ways is simply not an alternative available to us in the context of a settlement. This settlement is not perfect, but despite its imperfections, I am persuaded that it represents an immediate, fair, and certain means of compensating the class of GM owners whose interests we represent. Failure to accept this order as it now stands would require that we pursue a course which could provide no consumer relief for years, and possibly no relief at all, ever.

All of the parties involved in this settlement—the Commission, GM, and the BBB—are participating in an experiment, and all participants have a strong incentive to make the experiment succeed. The use of a case-by-case arbitration approach to redress departs from the traditional direct relief measures contained in prior Commission "defects" cases. Whether the Commission would ever again consider adopting the arbitration approach depends to a large degree on the results of the GM/BBB program. The Commission will be monitoring this program very carefully in the months ahead.

Issued: November 16, 1983.

Separate Statement of Commissioner George W. Douglas; in the Matter of General Motors Corporation, Docket No. 9145

November 16, 1983.

In reviewing the public comments on the Commission's settlement with General Motors, it is noteworthy that many of the issues discussed by the public were the same as those that had commanded the attention of both the staff and the Commission in this matter.

Although a number of comments praised the settlement as an equitable, effective, and expeditious means of providing relief to injured consumers, many were either negative or expressed reservations about the settlement. Given the circumstances surrounding the settlement and several public pronouncements criticizing the Commission's handling of the case, this is not surprising. Virtually by definition, a negotiated settlement cannot fulfill all of the demands of either party. Also to be considered in the innovative nature of the agreement: The Commission, in lieu of pursuing protracted and risky litigation, has embarked upon what it believes to be a highly promising but admittedly somewhat novel means of effectuating prompt consumer redress. Particularly noteworthy in this regard, the Better Business Bureau reported as early as June that it had received on the order of 20,000 complaints from consumers who believe they qualified under the settlement, 48 percent of

which reported situations that would not be eligible for arbitration under GM's current program. This suggests a much higher degree of public support for the program than might be inferred from the initial public comments.

In view of the number of skeptical comments—which any new or innovative procedure might be expected to elicit—it is especially troublesome that the pattern of those comments indicates widespread public misinformation as to the settlement's terms and the Commission's authority. The public's misperceptions appear to derive in large part from several misleading statements widely quoted in the press. As a consequence, we received many comments reflecting a serious misunderstanding of the Commission's ability to require direct consumer redress, the tradeoffs between arbitration and litigation, and the magnitude and importance of the required changes in the existing arbitration program, as well as virtually complete lack of awareness of the important prospective relief aspects of the settlement.

Among the 164 unfavorable comments filed by individuals, 55 could be interpreted as favoring direct reimbursement over arbitration; and 39 went so far as to call for a settlement that would require GM to pay consequential and/or punitive damages. Many cited the redress provisions in previous cases brought against automakers such as Chrysler, Honda, Ford, and GM itself in the "engine switch" case, and betrayed the impression that the Commission could unilaterally force GM to provide immediate direct redress.

Given the choice between arbitration and direct redress, most people would favor the latter. The most vociferous public critics of the settlement knew full well, however, that there was absolutely no chance of obtaining a settlement calling for direct redress in this case and that the Commission had absolutely no power or authority to impose such a settlement on GM.

Thus, even while Commissioner Pertschuk's statement noted that the Commission's hands were tied by GM's absolute refusal to agree to any direct redress program, in the portion of his statement that was most widely publicized, the Commissioner was quoted as stating that "only direct automatic refunds to consumers, which is the redress remedy the Commission has always used before" could provide a sufficiently strong remedy. Considered standing alone, this statement is clearly misleading. While it is true that in

certain previous matters the FTC has been able to negotiate direct consumer redress, it cannot *require* direct redress by virtue of an administrative order. Here it might be noted that the settlement is the product of lengthy and intense negotiations between GM and what is widely regarded as the best and most experienced litigating team for auto industry consumer protection matters in the Commission—the Cleveland Regional Office. After months of negotiations, this team, the same that negotiated direct consumer redress in several previous auto defect cases, concluded that it had gotten as much as it could from GM and thus recommended against further negotiation—for fear of losing what it had already gained—and against litigation—because of the years of delay and uncertain outcome.

In another misleading quotation, the Center for Auto Safety's Clarence M. Ditlow III criticized the settlement a "gross consumer abuse and sellout because it offers consumers nothing they would not obtain in any event." A particular shortcoming, he asserted, was that "the biggest economic loss to consumers, excess depreciation of thousands of dollars per vehicle for the one million diesels covered by the settlement," was not included. What Mr. Ditlow ignored (aside from the fact that there was insufficient evidence to expand the complaint beyond diesel fuel injectors/pumps) is that redress for "excess depreciation" has not only never been provided in any previous Commission settlement, but also has rarely (if ever) been awarded by a court in a litigated proceeding.

The critics of the settlement would apparently prefer that the Commission had taken this case to court in an attempt to make all injured consumers in this matter whole once again. What they have failed to point out is that this is much easier said than done. Due to the way that Congress has delegated authority to the Commission to enforce the consumer protection laws, the Commission would have had to file *two successive* suits against GM and win each (as well as all of the inevitable appeals) before any money could be reimbursed to consumers.

First, the Commission would have to file an administrative complaint naming the three areas of controversy—transmissions, carshafts, and diesel components—and charging that GM had acted in an unfair and deceptive manner

by failing to disclose that it knew those components were defective. Assuming that complaint counsel won the decision at the administrative hearing level, GM could appeal, first to the full Commission, then to an appellate court, and finally to the Supreme Court.

Second, assuming that we won each of the first round of cases, the Commission would then have to initiate a second case, this time in federal district court, and prove that GM had acted in a dishonest and fraudulent manner by failing to disclose the defects in the three components to consumers. Of course, if the Commission had only been able to convince the courts that GM had acted in an unfair and deceptive manner with respect to one of the components (say, transmissions) in the previous round of court cases, the complaint in the second round would be limited to that component as well. Thus, consumers with camshaft or diesel problems might be completely out of luck.

Only if the Commission could prove that GM had acted dishonestly and fraudulently with respect to each component, and only after GM had exhausted all appeals, would consumers be eligible for redress. A reasonable estimate of the length of time involved would be eight to ten years; that is, as late as 1993. How many injured consumers might be expected to be around and to possess sufficient evidence to collect that redress in ten years? Many consumers suffered losses on the order of \$400 as early as 1976 and few would have had the foresight to retain the records necessary to document their claims. How many of those people would feel that justice had been served by a payment of \$400 in 1993 dollars—assuming that the courts found them to be entitled to anything at all? Just what dimension of equity would be fulfilled by pursuing a virtually intractable course of litigation that is not only highly risky, but which at best would only redress the most tenacious and persevering of complainants with a settlement paid in dollars worth far less than those shelled out by the consumer as much as seventeen years earlier? If any of the choices faced by the Commission in this matter could be characterized as a "roll of the dice," it would be litigation, and the dice would be loaded against the consumer.

Clearly, if we were to pursue such a course, the only sure winners would be the army of lawyers who would be

employed to litigate this matter for the next eight to ten years.

By contrast, the negotiated settlement confers numerous benefits that consumers would not otherwise obtain. The settlement locks GM into the arbitration program, yet makes it non-binding on consumers. Moreover, it requires GM to make the program available anywhere in the country (currently it is limited to 39 cities) and to commit a substantial amount of resources to a consumer awareness/advertising campaign, including direct mail contact with every consumer who has registered a complaint with GM, the FTC, or a state's attorney general. If one of the three defects is involved, the settlement calls for GM to enter into arbitration within 60 days of a consumer's request and for the award to be delivered no later than ten days after arbitration. The settlement also ensures that consumers suffering injuries from defects not listed in the complaint will also be guaranteed a chance of recovery. This is especially relevant to GM diesel owners who have had problems in addition to those involving the fuel injectors and pumps.

Finally the statement calls for a major expansion of GM's PSP program, through which Product Service Publications providing information relating to repair, maintenance, and use and care procedures will be made available to the general public—consumer groups as well as individuals.

In summary, while the settlement is not perfect—as is true of any negotiated agreement—it nevertheless provides an immediacy of relief and a far higher degree of certainty for a much wider range of injured consumers than the Commission could expect to secure through litigation. According to my estimates, the value to consumers in terms of redress by arbitration will approach \$95 million—approximately six times the expected value of the consumer redress that could be anticipated through litigation. To reject this settlement, which affords redress far beyond that which would likely be gained through protracted litigation, in order to posture as "tough protectors of consumers" would be at the expense, not for the benefit, of consumers.

Issued: November 16, 1983.

[FR Doc. 83-32229 Filed 12-1-83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 80N-0388]

GRAS Status of Niacin and Niacinamide

Correction

In FR Doc. 83-30807 beginning on page 52032 in the issue of Wednesday, November 16, 1983, make the following corrections:

§ 184.1530 [Corrected]

1. On page 52033, column one, § 184.1530(a), line one, "(C₆H₅NO₂, CAS Reg. No. 59-67-6)" should read "(C₆H₅NO₂, CAS Reg. No. 59-67-6)".

2. On page 52033, column one, § 184.1530(c)(2), line eight, "section 42(a)(2)" should read "section 412(a)(2)".

§ 184.1535 [Corrected]

3. On page 52033, column two, § 184.1535(c), line three, "then" should read "than".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 82-15, Notice 2]

National Standards for Traffic Control Devices Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; Amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: This document contains notice of amendments to the Manual on Uniform Traffic Control Devices (MUTCD) which are being adopted by the Federal Highway Administrator for inclusion therein. The MUTCD is incorporated by reference in the design standards for Federal-aid highways in 23 CFR Part 625. It is also recognized in Part 655 as the national standard for traffic control devices on all public roads. The amendments affect various parts of the MUTCD and are intended to expedite traffic, improve safety and provide a more uniform application of highway signs, signals, and markings.

DATES: Effective March 1, 1984. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal

Register as of April 1, 1983, and the amendments are approved as of March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations (202) 426-0411, or Mr. Michael F. Laska, Office of the Chief Counsel (202) 426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (\$20.00).

This document contains the dispositions of requests for changes in the MUTCD which were received or originated by the FHWA and published as a notice of proposed amendments on January 10, 1983, under FHWA Docket No. 82-15 (48 FR 1075). The FHWA had previously reviewed the proposed amendments and provided recommendations for their disposition in the notices. One item was published in an advance notice of proposed amendment, Docket No. 81-5 (46 FR 32880, June 25, 1981).

These amendments are being processed in accordance with the rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request is assigned an identification number which indicates, by Roman numeral, the primary organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

A total of 71 responses were received. Of these, 40 were from State highway agencies, 14 were from technical associations, 10 were from business entities, 2 were from U.S. Government agencies, 4 were from nonhighway State agencies, and 1 was from a delegate to a State House of Delegates.

Based upon a review of the comments received in response to the notices, the FHWA is amending the MUTCD by adopting the following changes. Advance copies of the actual text of the changes to the MUTCD for all of these requests will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list and receive copies of the text changes should write to the Federal Highway Administration, Office of Traffic Operations, 400 Seventh Street, SW., Washington, D.C. 20590. Subscribers to

the MUTCD will receive loose leaf text changes automatically from the Government Printing Office as part of the subscription service. The following summarizes each approved request and the comments received with respect thereto:

1. *Request II-7—Signing Public Median Crossovers.* This amendment adds a new section to the MUTCD which provides more specific guidance on standard signs for inconspicuous public crossovers.

Of the 26 responders commenting on this request, 20 endorsed the FHWA proposal. Four commenters recommended using a permissive U-turn sign. Two commenters wanted to include specific dimensions for the sign and one offered some alternate sign configurations.

This change will not impose any additional costs, but provides highway agencies with a voluntary method of providing guidance for public median crossovers.

2. *Request II-10—Signing at Signalized Intersections.* Several separate requests have been made to clarify the MUTCD on the placement of signs at intersections. Since these requests are interrelated and primarily concern changes in the MUTCD, they were combined into one request.

There were 21 commenters on this request, 18 in favor and 3 opposed to the change. Five of these commenters, three opposed and two in favor, recommended revisions to the wording of the request.

This amendment revises Section 2B-15 and 2B-29 of the MUTCD to provide clarification of sign placement at intersections, particularly signalized intersections, while providing sufficient flexibility to permit the use of options based on sound engineering judgment in special circumstances.

These changes will not impose any additional costs and should benefit both highway agencies and highway users.

3. *Request II-20—Symbol for Police Assistance.* This amendment revises Section 2D-46 of the MUTCD to standardize the sign used for police assistance.

Of the 23 commenters, 20 were in favor of the use of the word message POLICE. Three different symbols or messages were proposed by commenters. One commenter suggested that the MUTCD include the specific guidance as to when the sign could be used.

This addition imposes no additional costs, but should encourage uniformity in the use of this type of sign.

4. *Request II-31—Mandatory Use of LEFT TURN PROTECTED ON ARROW ONLY SIGN (REVISED).* This amendment to Section 2B-37 of the

MUTCD provides a standard sign for use at protected/permitted signalized left turns.

A total of 30 comments were received, 20 in favor, 9 opposed, and 1 request for a deferral. Many of the commenters opposed to this revision feared that the sign would result in motorist confusion. Others commented that the standard sign should have the word GREEN in the message to assist color deficient persons. The FHWA believes that more benefits are likely to be derived from having a standard sign than for each jurisdiction to develop a special sign. The adopted sign will contain the word GREEN.

This amendment will not mandate any direct action or impose immediate additional costs on highway agencies. A 5-year implementation period to reduce transition costs is provided.

5. Request II-38—Identifying Left-Hand Exit on Interchange Sequence Signs. This amendment revises Section 2E-34 of the MUTCD to provide a method of identifying left-hand exits on Interchange Sequence signs for urban freeways.

All 23 commenters were in favor of this revision to the MUTCD.

This amendment will not impose any additional cost and will provide highway agencies with a voluntary and standard method of identifying left-hand exits on urban expressways and freeways.

6. Request II-45—School Trip Safety. These amendments to Sections 2B-13, 7B-12, 7E-5, and 7E-11 of the MUTCD permit an alternative to using a speed limit at the end of a school zone and emphasizes the need for protective clothing and devices for school crossing guards and patrols similar to that provided for construction zone flaggers.

Most responders to this request commented separately on each item. The majority, 70 percent, agreed with the need to add to the MUTCD additional language on end of school zones, reflective clothing, and flagging devices, although some responders believe that the latter two items might better be presented in a handbook. However, other responders favoring these latter two items commented that this material is appropriate since the MUTCD already includes provisions concerning clothing and flags used in construction and maintenance areas.

These amendments will not impose significant costs on highway agencies. Any existing applicable Speed Limit signs may continue to be used. At the end of the normal replacement interval, the END SCHOOL ZONE sign may replace the existing Speed Limit sign. The cost of reflectorizing or illuminating

flagging devices is not substantial. A 5-year implementation period will reduce costs further.

7. Request II-46—Emergency Medical Services (EMS) Symbol. This amendment to Section 2D-46 of the MUTCD provides for the "Star of Life" design as the standard symbol for signs providing information for access to the EMS system.

Seven of the responders opposed to the request commented that the proposed symbol is not widely known and would be confusing to the motorists. Others suggested that it would not make sense to replace a similar signing system that is already in place (i.e., the HOSPITAL signing system). Finally, six of those in favor of the change requested guidelines to help implement the system. The FHWA has concluded that the intended goals could be achieved by using the proposed symbol as a supplement to the existing service signing system. In this manner, the EMS symbol (Star of Life) could be used on a separate panel supplementing the standard HOSPITAL or H symbol signs for qualified facilities. It is not the intent of the FHWA to use the EMS symbol signs to replace the Hospital symbol signs, but to supplement existing or future Hospital signs. The EMS symbol could also be used on separate signs identifying ambulance stations and free-standing emergency treatment centers. It will also be possible to supplement telephones, CB monitoring, or POLICE signs with the EMS symbol.

This change will not impose any substantial additional costs or require immediate direct action by highway agencies. It will provide for a gradual inexpensive and voluntary transition from the present hospital service signing system to uniform signing for a comprehensive, integrated, and easily recognized EMS system.

8. Request II-48—Application of Warrants for STOP Signs. The MUTCD provides general warrants (conditions) for the use of STOP signs. However, the FHWA believes that the application of these warrants has resulted in a proliferation of unnecessary STOP signs. This amendment to Section 2B-5 will provide additional emphasis on the need to consider less restrictive measures prior to the installation of STOP signs.

Of the 21 commenting on this request, 20 were in favor of the change, most of them without comment.

This amendment will not impose any additional costs and will result in the installation of fewer new STOP signs with potential savings for both highway agencies and motorists.

9. Request II-54—Add Percent Grade Within Bill Signs. This amendment to

Section 2C-26 of the MUTCD will permit the display of the percent of grade within the Hill sign so that when supplemental signs such as NEXT 5 MILES or 5 MILES AHEAD are installed, a more complete message will be conveyed.

Three of the 18 commenters that favored this change recommended that the percent symbol be shown. One of the responders asked that the MUTCD specify where the percent of grade message is to be placed within the Hill sign.

This proposed amendment will not impose any additional costs. It will enable highway agencies, at their option, to provide additional warning information without using additional signs.

10. Request II-58—Median Mounted One-Way Signs. These amendments to Sections 2A-31 and 2B-29 provide more specific guidance on the placement of one-way signs at intersections with divided highways.

This item was published in an advance notice of proposed amendment, Docket No. 81-5 (46 FR 32880, June 25, 1981). All of the responses to this request agreed that the MUTCD should be changed to provide better guidance. Although there was unanimous agreement for a change, eight suggested further study and fifteen various solutions were proposed. In light of this, a task force of the National Committee on Uniform Traffic Control Devices (NCUTCD) reviewed this matter in detail and developed the language approved herewith.

These amendments will impose some additional costs on highway agencies, but will enhance the safety of operations at intersections with divided roadways. A 5-year period of implementation will minimize transition costs.

11. Request II-63—Use of Chevron Alignment Sign on Conventional Roads. This amendment to Section 2C-10 of the MUTCD provides for the use of the Chevron Alignment sign as an alternate to standard delineation treatments.

Twenty-four of the 26 commenters were in favor of this proposal, the majority responding without comment.

The Chevron Alignment sign is still intended to be used as an alternate or supplement to the Large Arrow sign (W1-6). As such, the use of the Chevron Alignment sign should be limited to give notice of a sharp change in alignment.

This amendment will not impose any additional costs, but will provide for improved delineation of alignment changes and eliminate some duplication of delineation treatment.

12. Request III-4—Reduced Eye Height Dimensions from 3.75 feet to 3.50 feet. This amendment to Section 3B-5 of the MUTCD to lower the eye height/object height from the current 3.75 feet to 3.50 feet is being made to accommodate the influx of smaller cars in the passenger vehicle fleet.

There were 3 responders to this request. Three of the commenters suggested that 3.5 feet might not be low enough. Seven responders commented that the reduction would enhance the safety of the smaller automobile. Of those that responded, 25 were in favor. Eight of the commenters proposed waiting to implement this change until further study was completed. It is unlikely that further research will provide any significantly new data on driver eye height.

This change will impose some additional costs. No-passing zone markings would increase slightly with an approximate 3 percent increase in cost to stripe a two-lane, two-way roadway using an eye height/object height of 3.50 feet. A 5-year period of implementation is provided to minimize transition costs.

13. Request III-10—Lane Drop Marking. This amendment to Section 3B-11 of the MUTCD adopts a special pavement marking pattern for use at lane drops.

There were 25 comments submitted on this request of which 21 were in favor of the change. Three of the responders questioned whether the public would understand the meaning of the proposed markings. Some alternate markings were suggested and three commenters asked that the proposal be changed from a should to a may condition. This has been done.

This amendment will not impose any significant costs and will provide highway agencies with a voluntary method of identifying lane drop situations to motorists.

14. Request III-21—Lateral Placement of Delineators. This amendment to Section 3D-5 of the MUTCD allows delineators to be placed an additional 2 feet outside the outer edge of the shoulder.

All of the 21 commenters agreed to this change without comment.

This amendment will not impose any additional costs, but should reduce highway maintenance costs.

15. Request III-23—Mounting Height of Object Markers. This amendment to Section 3C-1 provides for object marker mounting heights of 4 feet above the pavement edge to the bottom of the object marker when used within the roadway or within 8 feet of the shoulder or curb, and a height of 4 feet above the

ground when used 8 feet or more from the shoulder or curb.

There were 22 responders to this request. Four suggested minor revisions to the wording of the request while maintaining the basic concept.

This amendment will not impose any additional costs, but provides more specific guidance on the placement of object markers.

16. Request III-24—Delineators on Truck Escape Ramps. This amendment to Section 3D-4 of the MUTCD establishes a standard for the color of delineators used to indicate the edge of truck escape ramps.

Eight of the 24 commenters offered comments as to the appropriate color for these delineators. Seven believed that red was the wrong color. One commenter stated that red is the proper color while 17 other responders did not take issue with the color and simply expressed their endorsement of the request. Four responders asked for more specifics as to delineator spacing and location (i.e., left, right, or both sides). This has been done.

This amendment will impose some additional costs on those agencies using other color delineators. To minimize these costs the FHWA establishes a 5-year period for implementation.

17. Request IV-27—Rules for Phasing and Sequencing of Traffic Signals. The Signals Technical Committee of the National Committee on Uniform Traffic Control Devices (NCUTCD) requested that the MUTCD be revised to incorporate the results of its comprehensive review of Part 4B so as to meet the need for a well defined set of parameters and improved uniformity relative to the phasing and sequencing of traffic signals.

Of the 21 commenters, 9 were in favor of the request. Eleven commenters were opposed to a specific portion of the request, but supported the rest of the request. In general, these 11 were opposed to different parts of the request. One commenter was opposed to the entire request.

Of the 11 commenters opposed to portions of the request, 7 were concerned with subparagraph (a) of Part 5 of Section 4B-6. Their common concern was that a green arrow indication should always be terminated by an appropriate clearance indication. The proposed rule would leave such use optional as does the current MUTCD provision. The FHWA finds that there is not enough evidence to warrant a mandatory (shall) provision.

The FHWA, in its consideration of comments and in its final review, had concern as to the intent of the 4B-18 and 4B-19 revisions. This revision would

allow a traffic signal installation to be operated as a combination stop and go and flashing device. The extent of latitude intended by this proposed change is not clear and FHWA is, therefore, deferring inclusion of this provision in the final rule and asking for its reconsideration by the Signals Technical Committee.

This amendment provides for fewer restrictions in the operation of traffic signals and would not impose any additional costs.

18. Request IV-29—Warrants for Freeway Entrance Ramp Control Signals (Interim). Section 4E-23 of the MUTCD, Warrants for Freeway Entrance Ramp Control Signals (Interim), is being amended to shift the terminology emphasis from "warrants" to "guidelines."

There were 18 commenters, 14 of which were in favor of the request (one of these had minor editorial recommendations which have been included in the final rule).

This amendment will not impose any additional costs on highway agencies.

19. Request VI-17—Simulated Drums. This request for an amendment to the MUTCD was to permit the use of simulated drums as an alternative to standard channelizing devices.

There were 24 responders to this request. Most of the 16 responses favoring the request did so without comment. Those opposing the request generally commented that (1) simulated drums are really a nonstandard version of a vertical panel, (2) the MUTCD already permits a sufficient variety of devices for channelizing in work zones, and (3) simulated drums do not look as formidable as drums and, presumably would not be as effective.

The FHWA is aware of only one State that uses the simulated drums and based on recent reviews, those devices in use did not generally meet the requirements of the previously proposed request.

Accordingly, the MUTCD will not be amended as discussed in Request VI-17.

20. Request VI-18—Standards for Flashing and Steady Burn Warning Lights. This amendment revises Section 6E-5 to provide that new flashing and steady burn warning lights are obtained based upon a purchase specification, and that existing devices perform based upon a field performance specification using distance and visibility criteria.

There were three commenters opposed to adoption of this request. One felt that the terms "visible," "clear night," and "sunny day" were vague and could result in tort liability. Another felt that a device that was visible at 3,000

feet at night might be blinding at close range.

The purpose of the proposal is to provide a specification that will not require sophisticated measuring devices. The FHWA has determined that the terms "visible," "clear night," and "sunny day" are sufficiently explicit to accomplish the goals. The FHWA further believes that a device visible at 3,000 feet will not be blinding at close range.

These amendments will mandate a procedural change for some highway agencies, but the required physical characteristics of warning lights would not be modified. There will be no additional costs for the manufacturer or purchaser of these devices. The field performance specifications are intended primarily to provide a simple method to verify that the devices are kept clean when in operation and that an adequate power source is maintained. Providing for adequate maintenance and power are not new requirements.

In consideration of the foregoing and under the authority of 23 U.S.C. 109(d), 315 and 402(a), and the delegation of authority in 49 CFR 1.48(b), the Federal Highway Administration hereby adopts the Manual on Uniform Traffic Control Devices as amended herein.

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. As stated herein the economic impact of these amendments is so minimal as not to require preparation of a full regulatory evaluation. For the same reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs—transportation, Highways and roads, Signs, Traffic regulations, Incorporations by reference.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 and former OMB Circular A-95 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: November 28, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

The FHWA revises § 625.3(c)(1) to read as follows:

§ 625.3 Standards, specifications, policies, guides, and references.

(c) *Traffic Control.* (1) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA, 1978, as amended December, 1983.^{*}

[FR Doc. 83-32149 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-83-1130 FR-1712]

Categorical Program Settlement Fund

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule removes Part 570, Subpart H (Categorical Program Settlement Fund) of the Community Development Block Grant Program Regulations. The regulations in Subpart H are being eliminated because the statutory authority to make grants for this purpose was withdrawn by the amendment to Section 103 of the Housing and Community Development Act of 1974 accomplished by Section 301 of the Housing and Community Development Amendments of 1981.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication but not before further notice of the effective date is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Thomas H. Terrell, Program Competition Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7178, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6935. (This is not a toll-free number).

^{*} Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

SUPPLEMENTARY INFORMATION: The regulations being withdrawn provide for the application and other requirements pertaining to the funding of the financial settlement of urban renewal projects assisted under the Housing Act of 1949. To the extent that there are still ongoing projects remaining under the Urban Renewal Program, they continue to be governed by the requirements of the enabling legislation under which they were funded since those statutes remain in effect, as well as the obligations under the respective grant and/or loan contracts with HUD.

The Department has determined that in light of the withdrawal of statutory authority to make grants for this program, prior notice and public comment for the elimination of these rules would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this action does not have a significant economic impact on a substantial number of small entities because the elimination of these regulations, pursuant to the statutory withdrawal of authority, will not affect projects already funded. Grantees will continue to use the funds granted to complete their previously approved activities.

This rule was listed at 48 FR 47459 as item CPD-37-81 in the Department's