part VI are contained in FHWA docket number 89–1, Notice No. 7, published at 58 FR 6508 on December 10, 1993.

The text change resulting from this amendment to the MUTCD has been titled "1988 MUTCD Revision 4, dated November 1, 1994." It will be available from the Government Printing Office (GPO), Superintendent of Documents, Washington, D.C. 20402, (202) 783– 3238. Everyone currently appearing on the FHWA, Office of Highway Safety, **Federal Register** mailing list will be sent a copy.

Discussion of Amendment

Part VI of the MUTCD was revised on September 3, 1993, and incorporated by reference in 23 CFR part 655 on December 10, 1993 (58 FR 64085). As revised, the last paragraph in section 6F–8c read:

One-way traffic flow requires an all-red interval of sufficient duration for traffic to clear the portion of the temporary traffic control zone controlled by the traffic signals. To avoid the display of conflicting signals at each end of the temporary traffic control zone, traffic signals shall be either hardwired or controlled by radio signals.

The FHWA has since learned that the last sentence of the section inadvertently disallowed the use of certain temporary signaling devices now in use. While they employ neither hardwiring nor radio signals, these devices are considered to be as safe and effective as those devices covered by the September 3, 1993, version of section 6F–8c. In order to allow the use of such devices, the last sentence of the paragraph has been removed and replaced with the following sentence:

Safeguards shall be incorporated to avoid the display of conflicting signals at each end of the temporary traffic control zone.

As revised, the section imposes a performance standard, and not a design standard, on all such devices. This document incorporates the revised Part VI into 23 CRF part 655. With the current emphasis on repairing the Nation's highways and improving safety in temporary traffic control zone areas, an updated and accurate part VI will better serve the highway community.

Rulemaking Analyses and Notices

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to 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. 5 U.S.C. 553(b)(3)(B).

The FHWA has determined that providing prior notice to the public on

this action would be contrary to the public interest. This action will incorporate by reference into 23 CFR part 655 a revised version of Part VI of the MUTCD. The September 3, 1993, version inadvertently excluded the use of certain safe and effective traffic control devices in highway work zones. This was not the intent of the revision and therefore Part VI is being revised again to allow the use of these devices. Any further delay in revising Part VI would cause undue economic harm to those who manufacture and sell the types of traffic control devices excluded by the September 1993 language of Part ŴΙ.

Public comment, however, is solicited on this action. Comments received will be carefully considered in evaluating whether any further changes to this amendment are necessary.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not constitute a significant regulatory action within the meaning of Executive Order 12866, nor is it significant within the meaning of Department of Transportation regulatory policies and procedures. Although this action will allow the use of alternative signalling devices not permitted under the September 3, 1993, version of Part VI of the MUTCD, the FHWA anticipates that this action will not affect the total number of signalling devices deployed. By permitting public and private entities to choose from a wider array of signalling devices, these entities may be able to make more costeffective choices in the future. Accordingly, it is anticipated that the overall economic impact of this rulemaking will be minimal, but positive. For these reasons, the FHWA has determined that a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S. C. 601-612), the FHWA has evaluated the effects of this rule on small entities. This action will allow a few small companies to market signalling devices not allowed under the September 3, 1993, version of Part VI. 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. The need to further evaluate economic consequences will be reviewed on the basis of the comments submitted in response to this interim final rule.

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. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or other Federal agencies within two years of issuance. This proposed amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d) and 315 to promulgate uniform guidelines to promote the safe and efficient use of the highway. Therefore, nothing in this document would preempt any State laws, regulations, or requirements.

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 655

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