

§ 395.2 because lettered paragraphs for specific definitions were removed on July 30, 1992 [57 FR 33638, at 33648–33649]. These references are being amended accordingly.

The term “vehicle condition reports” is used in the graph grid illustration after § 395.8(k)(2). However, the term “driver vehicle inspection report” is the appropriate term. The former is being replaced with the latter.

#### *Automatic On-Board Recording Devices (Section 395.15)*

Section 395.15 contains various provisions related to the use of automatic on-board recording devices. The requirements of §§ 395.15(i)(4) and (i)(7) became effective on October 2, 1989. Since this date has passed, the words “No later than October 2, 1989” are unnecessary and are being removed.

#### *Equivalent to Periodic Inspection (Section 396.23)*

The first sentence of § 396.23(a) incorrectly references the requirements of § 393.17. This sentence should refer to § 396.17, and § 396.23(a) is being amended accordingly.

#### *Application of the Rules in This Part (Section 397.1)*

Section 397.1(a) refers to “paragraph (c) of this section,” which does not exist. Section 397.1(c) was removed on May 19, 1988 [53 FR 18042, at 18058], but the reference to paragraph (c) in paragraph (a) was not revised. Therefore, § 397.1(a) is amended by removing the phrase “Except as provided in paragraph (c) of this section.”

#### *Special Agents (Appendix B to Subchapter B)*

Paragraph 3 of appendix B to subchapter B defines the term “special agent,” in part by listing the FHWA’s statutory authority to regulate motor carrier safety. The list is out of date, and is therefore being amended to reflect the agency’s current authority and the recent recodification of title 49, United States Code. Paragraph 3 also refers to the Director of the Bureau of Motor Carrier Safety, a position that no longer exists, when it should refer to the Associate Administrator for Motor Carriers. Paragraph 3 is being amended to correct this reference.

#### **Rulemaking Analyses and Notices**

This final rule makes only minor, technical corrections to the Federal Motor Carrier Safety Regulations. The rule deletes a provision for which there is no authority, corrects or removes inaccurate references, and replaces

outdated language with terms more consistent with current statutory authority. Substantive regulatory standards are not changed in any way. Therefore, the FHWA finds good cause to adopt the rule without prior notice or opportunity for public comment [5 U.S.C. 553(b)]. The DOT’s regulatory policies and procedures also authorize promulgation of the rule without prior notice because it is anticipated that such action would not result in the receipt of useful information. The FHWA is making the rule effective upon publication in the **Federal Register** because it imposes no new burdens and merely corrects or clarifies existing regulations [5 U.S.C. 553(d)].

#### **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. Since this rulemaking action makes only technical corrections to the current regulations, it is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, and since this rulemaking action makes only technical corrections to the current regulations, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

#### **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 20.217, Motor Carrier Safety. 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 49 CFR Parts 325, 350, 382, 385, 387, 390, 391, 392, 395, 396, and 397**

Highway safety, Highways and roads, Motor carriers, Motor vehicle safety.

Issued on: July 19, 1995.

**Rodney E. Slater,**

*Federal Highway Administrator.*

In consideration of the foregoing and under the authority of 42 U.S.C. 4917 and 49 U.S.C. 104, 501 *et seq.*, 521 *et seq.*, 5101 *et seq.*, 5113, 5901 *et seq.*, 31101–31104, 31108, 31131 *et seq.*, 31161, 31301 *et seq.*, 31501 *et seq.*; and 49 CFR 1.48, the FHWA amends title 49, Code of Federal Regulations, Chapter III, as follows:

#### **CHAPTER III—[AMENDED]**

1. Chapter III is amended by substituting the term “he/she” for each appearance of the word “he” in the chapter except in the phrase “he or she.”

2. Chapter III is amended by substituting the term “his/her” for each appearance of the word “his” in the chapter except in the phrase “his or her.”

3. Chapter III is amended by substituting the term “him/her” for each appearance of the word “him” in the chapter except in the phrase “him or her.”

4. Chapter III is amended by substituting the term “himself/herself” for each appearance of the word “himself” in the chapter.