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SUPPLEMENTARY INFORMATION:

Availability of Final Rule Technical Amendments

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Summary of Technical Amendments

FMCSA has made the following technical corrections to the Federal Motor Carrier Safety Regulations (FMCSRs) contained in Title 49 of the Code of Federal Regulations (CFR), chapter III, subchapter B.

Section 365.405(a): "Federal Motor Carrier Safety Administration, Licensing Division" is corrected to read "FMCSA, Licensing Team;" "Regional Director for the Region(s)" is corrected to read "Field Administrator for the Service Center(s);" and "1002.2(f)(25)" is corrected to read "360.3(f)(8)." Section 365.411(b), "Division" is corrected to read "Team." Section 365.413(b), "Office of Data Analysis and Information Systems" is corrected to read "Licensing Team." Section 365.505(b)(3), "unbvtil" is corrected to read "until."

Section 374.303(a), "carriers" is corrected to read "carrier."

Section 387.303, paragraph (b)(2) table, column 1, paragraph (d), "10,000" is corrected to read "10,001" to be consistent with other sections in the table. In § 387.309, "B.M.C." is corrected to read "BMC." In § 387.311(b), "B.M.C. 83" and "B.M.C. 34" are corrected to read "BMC 83" and "BMC 34."

In § 391.43(f), the date on which existing physical examination forms may no longer be used "November 6, 2001" has been updated. In the "Instructions For Performing and Recording Physical Examinations" and the "Medical Examination Report for Commercial Driver Fitness Determination," both codified after § 391.43(f), the information on blood pressure has been revised to incorporate the recommendations on hypertension included in a report prepared for FMCSA, entitled *Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers* (October 2002). The report, which has been posted on the FMCSA website for several months, represents the current medical

consensus and state of the art in evaluating and treating hypertension.

In § 393.5, definition of "g," the figure "9.823" is corrected to read "9.81." In § 393.106(a), the reference to "§ 393.122 through § 393.142" is corrected to read §§ 393.116 through 393.136."

Section 396.9, paragraphs (b) and (c)(2), the report form "Driver Equipment and Compliance Check" has been renamed the "Driver Vehicle Examination Report" to conform with industry terminology and for uniformity in reporting.

Regulatory Analyses and Notices

Administrative Procedure Act (APA)

The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are "impracticable, unnecessary, or contrary to the public interest." See 5 U.S.C. 553(b). FMCSA has determined that notice and comment on these amendments are unnecessary.

The amendments to Part 365 involve four changes to the names of FMCSA offices; one change to replace an obsolete CFR citation which was recodified after the Interstate Commerce Commission's remaining functions were transferred to DOT; and one spelling correction. Because these changes make ministerial corrections or update references, but do not impose added burdens or alter any rights or obligations, the agency has determined that notice and comment are unnecessary.

The definition of "Carrier" in § 374.303(a) now reads: "a motor passenger common carriers." The plural "carriers" is changed to the singular "carrier" to match the term being defined. This has no effect on the underlying rule, and FMCSA has determined that notice and comment are therefore unnecessary.

In part 387, three references to "B.M.C.," meaning Bureau of Motor Carriers, are changed to "BMC," the current preferred abbreviation of that term. The underlying rule is unchanged, and the agency has determined that notice and comment are unnecessary.

In § 391.43(f), the date after which existing physical examination forms could no longer be used (November 6, 2001) has been extended to September 2004. This is being done because it came to the agency's attention that stocks of the previous forms still exist. Allowing their continued use will save the expense of discarding these forms and buying new ones. The medical examination itself is the same, whatever

the form used to record the results. FMCSA has therefore determined that notice and comment are not required.

In the "Instructions For Performing and Recording Physical Examinations" and the "Medical Examination Report for Commercial Driver Fitness Determination," both codified after § 391.43(f), the information on blood pressure has been revised to incorporate the recommendations on hypertension included in a report prepared for FMCSA, entitled *Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers* (October 2002). The report, which has been posted on the FMCSA website for several months, represents the current medical consensus and state of the art in evaluating and treating hypertension. FMCSA has determined that notice and comment on these changes are unnecessary, because both the "Instructions" for dealing with high blood pressure and the corresponding "Guidelines" printed on the exam form are simply recommendations to the medical examiner. They represent the agency's summary of current medical thinking, but are neither part of the medical standard for blood pressure [see § 391.41(b)(6)] nor binding on the medical examiner.

In Part 393.5, the definition of "g," the symbol for the acceleration of gravity, is corrected from 9.823 meters per second squared to 9.81 meters per second squared. FMCSA finds that notice and comment are unnecessary to correct this error. The reference in § 393.106(a) to "the commodity-specific rules of § 393.122 through § 393.142" is erroneous because it refers to section numbers used in a previous draft of Subpart I (Protection Against Shifting and Falling Cargo). The final rule codified the commodity-specific regulations at § 393.116 through § 393.136, and § 393.106(a) is therefore changed accordingly. Because this amendment clarifies a cross-reference but does not change any regulatory requirement, FMCSA finds that notice and comment are unnecessary.

In § 396.9(b) and (c)(2), the inspection report entitled "Driver Equipment Compliance Check" has been renamed the "Driver Vehicle Examination Report." Because the substance of the inspection report has not been changed, FMCSA has determined that notice and comment are unnecessary.

These technical amendments have no significant impact on a substantial number of small entities. The amendments merely correct inadvertent errors and omissions, update mailing addresses, remove obsolete references,