

issued rule, it is anticipated that the economic impact of this action 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 action on small entities and has determined that, since this action withdraws regulations previously issued, it will not place a significant economic burden 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. This withdrawal of a recently published final rule will not preempt any State law or State regulation and no additional costs or burdens will be imposed on the States. This action will not affect the States' ability to execute traditional State governmental functions.

#### *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 do not apply to this program.

#### *Paperwork Reduction Act*

The information collection requirements contained in the final rule previously issued on December 29, 1994, were approved by the OMB in accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520 and assigned the control number of 2125–0557 which expires on June 30, 1997. This action reduces paperwork burdens previously established and results in the FHWA no longer conducting or sponsoring a collection of information to implement 49 U.S.C. chapter 59. The FHWA, therefore, will not seek extension of the OMB's approval of the information collection assigned control number 2125–0557.

#### *National Environmental Policy Act*

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) 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 Part 390*

Highway safety, Highways and roads, Motor carriers, Recordkeeping requirements.

In consideration of the foregoing and under the authority of 49 U.S.C. 31132, 31133, 31502, and 31504, the FHWA hereby amends title 49, Code of Federal Regulations, parts 382, 383, and 390 as set forth below.

Issued on: December 31, 1996.

Rodney E. Slater,

*Federal Highway Administrator.*

#### **PART 382—[AMENDED]**

1. The authority citation for Part 382 continues to read as follows:

Authority: 49 U.S.C. 31133, 31136, 31301 *et seq.*, and 31502; and 49 CFR 1.48.

##### **§382.103 [Amended]**

2. Section 382.103 is amended by revising paragraph (c) to read as follows:

##### **§382.103 Applicability**

\* \* \* \* \*

(c) The exceptions contained in §390.3(f) of this subchapter do not apply to this part. The employers and drivers identified in §390.3(f) must comply with the requirements of this part, unless otherwise specifically provided in paragraph (d) of this section.

\* \* \* \* \*

#### **PART 383—[AMENDED]**

3. The authority citation for Part 383 is revised to read as follows:

Authority: 49 U.S.C. 31136, 31301 *et seq.*, and 31502; and 49 CFR 1.48.

##### **§383.3 [Amended]**

4. Section 383.3 is amended by revising paragraph (b) to read as follows:

##### **§383.3 Applicability**

\* \* \* \* \*

(b) The exceptions contained in §390.3(f) of this subchapter do not apply to this part. The employers and drivers identified in §390.3(f) must comply with the requirements of this part,

unless otherwise provided in this section.

\* \* \* \* \*

#### **PART 390—[AMENDED]**

5. The authority citation for Part 390 is revised to read as follows:

Authority: 49 U.S.C. 13301, 13902, 31132, 31133, 31136, 31502, 31504, and Sec. 204, Pub.L. 104–88, 109 Stat. 803, 941; 49 U.S.C. 701 note, and 49 CFR 1.48.

##### **§390.3 [Amended]**

6. Section 390.3 is amended by removing paragraph (b), and redesignating paragraphs (c) through (g) as (b) through (f), respectively.

#### **Subpart C [Removed]**

7. Subpart C of part 390, (§§ 390.50–390.60) Intermodal Transportation, is removed and reserved.

Appendix H to Subchapter B [Removed]

8. Subchapter B is amended by removing appendix H.

[FR Doc. 97–384 Filed 1–8–97; 8:45 am]

BILLING CODE 4910–22–P

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 227**

[Docket Number 950407093–6298–03; I.D. 012595A]

#### **Endangered and Threatened Species; Threatened Status for Central California Coast Coho Salmon Evolutionarily Significant Unit (ESU); Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Correction to final rule.

**SUMMARY:** NMFS is making a technical correction to the final rule (61 FR 56138, October 31, 1996) determining that the Central California Coast Coho Salmon Evolutionarily Significant Unit (ESU) is a threatened species. The correction specifies that the ESU consists of all coho salmon naturally reproduced in streams between Punta Gorda in Humboldt County, CA, and the San Lorenzo River in Santa Cruz County, CA.

**EFFECTIVE DATE:** December 2, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Craig Wingert, NMFS, Southwest Region, (310) 980–4021; or Marta

Nammack, NMFS, Office of Protected Resources, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

**Need for Correction**

On October 31, 1996, NMFS published a final rule listing the Central California Coho Salmon ESU as a threatened species (61 FR 56138). In the last paragraph of the "Listing Determination" section of the preamble to the rule (see page 56146, bottom of second column and top of third column), NMFS clearly defined the Central California Coho Salmon ESU as consisting of "all coho salmon naturally reproduced in streams between Punta Gorda, Humboldt County, CA, and the San Lorenzo River, Santa Cruz County,

CA." However, the definition of the listed ESU in the regulatory text codified at section 227.4(h) was ambiguous as to the geographic extent of the listed ESU and whether the listed ESU specifically included hatchery populations or only naturally reproduced populations.

**Correction of Publication**

Accordingly, the publication on October 31, 1996, of the final rule (I.D. 012595A), which was the subject of FR Doc. 96-56138, is corrected as follows:

**§ 227.4—[Corrected]**

On page 56149, in the third column, in § 227.4, paragraph (h) is corrected to read as follows:

\* \* \* \* \*

(h) Central California Coast Coho Salmon. Includes all coho salmon naturally reproduced in streams between Punta Gorda in Humboldt County, CA, and the San Lorenzo River in Santa Cruz County, CA.

\* \* \* \* \*

Dated: January 3, 1997.

P. Michael Payne,  
*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 97-477 Filed 1-6-97; 1:43 pm]

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