

written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than \$109 million annually (adjusted for inflation with base year of 1995). Because this final rule does not have a \$100 million effect, no Unfunded Mandates assessment has been prepared.

#### *G. Executive Order 12778 (Civil Justice Reform)*

This final rule does not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### *H. Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This rule does not establish any new information collection requirements.

#### *I. Regulation Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) 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. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

#### *J. Executive Order 13045*

Executive Order 13045 applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental

health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This final rule is not economically significant and does not concern an environmental health or safety risk that disproportionately affects children.

#### *K. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272) directs us to use voluntary consensus standards in our regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

There are no relevant voluntary consensus standards available at this time. However, we will consider any such standards when they become available.

#### *L. Privacy Act*

Anyone is able to search the electronic form of all submissions received into any of our dockets by the name of the individual submitting the comment or petition (or signing the comment or petition, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

#### **List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, NHTSA amends 49 CFR Chapter V as follows:

#### **PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [AMENDED]**

■ 1. The authority citation for Part 571 of Title 49 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.224 is amended by revising the definition of "Special purpose vehicle" in S4 to read as follows:

#### **§ 571.224 Standard No. 224; Rear impact protection.**

\* \* \* \* \*

##### *S4. Definitions.*

\* \* \* \* \*

*Special purpose vehicle* means a trailer or semitrailer having work-performing equipment that, while the vehicle is in transit, resides in or moves through any portion of the cubic area extending:

(1) Vertically from the ground to a horizontal plane 660 mm above the ground;

(2) Laterally the full width of the trailer, determined by the trailer's side extremities as defined in S4 of this section; and

(3) From the rear extremity of the trailer as defined in S4 of this section to a transverse vertical plane 305 mm forward of the rear extremity of the trailer.

\* \* \* \* \*

Issued on: November 2, 2004.

**Jeffrey W. Runge,**  
*Administrator.*

[FR Doc. 04-24737 Filed 11-4-04; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 574**

[Docket No. NHTSA-2004-19557]

**RIN 2127-AH10**

#### **Tire Safety Information; Correction**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** On July 8, 1999, the National Highway Traffic Safety Administration (NHTSA) published in the **Federal Register** (64 FR 36807), a final rule amending the tire identification and recordkeeping regulation, which requires that each tire be labeled with a tire identification number (TIN). In amending the TIN requirements, we inadvertently removed a provision for tires of less than 13 inches bead diameter or those of less than 6 inches

cross section width. This document corrects this inadvertent removal.

**DATES:** Effective December 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Feygin, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820), 400 7th, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** NHTSA's tire identification and recordkeeping regulation requires that new tire manufacturers and tire retreaders mark their tires with the TIN on at least one sidewall. The TIN consists of (a) the manufacturer's or retreader's identification code, (b) the tire size symbol, (c) optional tire type code, and (d) the date of the manufacture (date code). On July 8, 1999, NHTSA amended this regulation to require that the date code portion of the TIN consist of four digits, instead of the previously required three digits.<sup>1</sup>

The change to the TIN requirements necessitated that the figure in the regulatory text depicting the TIN be revised. The old figure contained a footnote that allowed a smaller TIN size for tires of less than 6 inches cross section width and tires of less than 13 inches bead diameter.<sup>2</sup> However, when the agency published the July 8, 1999, final rule, we inadvertently removed this footnote from the new figure.<sup>3</sup> The inadvertent nature of this removal is apparent from the preamble to the Notice of Proposed Rulemaking preceding the July 8, 1999, final rule, and from the preamble to the final rule itself. In both documents, NHTSA reiterated that § 574.5 permits tires of less than 13 inches bead diameter or those of less than 6 inches cross section width to have the smaller TIN size.<sup>4</sup> This error was brought to our attention by Japan Automobile Tyre Manufacturers Association and Goodyear Tire & Rubber Company.<sup>5</sup>

We note that in a recent document, NHTSA indicated that the TIN size requirements, adopted for other tires subsequent to the July 8, 1999, final rule, apply to tires of less than 13 inches bead diameter or those of less than 6 inches cross section width.<sup>6</sup> That discussion, which was prepared before we recognized the error made in the July 8, 1999, final rule, is inaccurate. The new TIN size requirements were not intended to apply to tires of less than 13

inches bead diameter or those of less than 6 inches cross section width.

This notice corrects the CFR by adding the inadvertently removed footnote to 49 CFR 574.5. Instead of correcting the figure, the agency is adding the contents of the missing footnote to the regulatory text after Section (d).

This correction will not impose or relax any substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

#### List of Subjects in 49 CFR Part 574

Labeling, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ 49 CFR part 574 is corrected by making the following correcting amendment:

#### PART 574—[CORRECTED]

■ 1. The authority citation continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at CFR 1.50.

■ 2. Add new paragraph (e) to § 574.5 to read as follows:

#### § 574.5 Tire identification requirements.

\* \* \* \* \*

(e) *Tire identification number height.* Notwithstanding Figures 1 and 2, each character in the tire identification number on tires with less than 6 inches in cross section width or tires with less than 13 inches bead diameter may be any size of 5/32 inches (4 mm) or greater.

Issued: November 2, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 040429134-4135-01; I.D. 102504C]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #13 - Adjustments of the Recreational Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon

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

**ACTION:** Closure and modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announces that the recreational salmon fishery in the area from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea), was modified to close at midnight on Thursday, September 2, 2004. To allow for the Neah Bay Subarea to remain open until September 2, 2004, 3,100 coho were transferred to the Neah Bay coho quota on an impact neutral basis from the Queets River to Leadbetter Point, WA (Westport Subarea) coho quota. These actions were necessary to conform to the 2004 management goals. The intended effect of these actions was to allow the fishery to operate within the seasons and quotas specified in the 2004 annual management measures.

**DATES:** Transfer of quota to the U.S.-Canada Border to Cape Alava, WA effective August 26, 2004; closure for the area from the U.S.-Canada Border to Cape Alava, WA effective 2359 hours local time September 2, 2004; after which the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures. Comments will be accepted through November 22, 2004.

**ADDRESSES:** Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the 2004salmonIA13.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [docket number and/or RIN number] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The NMFS Regional Administrator (RA) adjusted the recreational salmon fishery

<sup>1</sup> See 64 FR 36807.

<sup>2</sup> See 49 CFR 574.5 (1998).

<sup>3</sup> See 64 FR 36807 at 36813.

<sup>4</sup> See 63 FR 55832 at 55834 (October 19, 1998); see also 64 CFR 36807 at 36810.

<sup>5</sup> See Docket Numbers NHTSA-2004-17917-8 and NHTSA-2004-17917-9, at <http://dms.dot.gov/search/searchFormSimple.cfm>.

<sup>6</sup> See 69 FR 31306 at 31309 (June 3, 2004).