

manufactured on or after September 1, 2007 and before September 1, 2008, the number of vehicles complying with S6.2(b) of this standard must not be less than 70 percent of:

(1) The manufacturer's average annual production of vehicles manufactured on or after September 1, 2005, and before September 1, 2008; or

(2) The manufacturer's production on or after September 1, 2007, and before September 1, 2008.

\* \* \* \* \*

S8.2.1 Vehicles manufactured on or after September 1, 2006 and before September 1, 2009 are not required to comply with the requirements specified in S6.2(b) of this standard.

S8.2.2 Vehicles manufactured on or after September 1, 2009 must comply with the requirements specified in S6.2(b) of this standard.

\* \* \* \* \*

■ 3. Section 571.305 is amended by revising S6.2 and S7.4 to read as follows:

**§ 571.305 Standard No. 305; Electric powered vehicles: electrolyte spillage and electrical shock protection.**

\* \* \* \* \*

S6.2 *Rear moving barrier impact.* The vehicle must meet the requirements of S5.1, S5.2, and S5.3, when:

(a) it is impacted from the rear by a barrier moving at any speed up to and including 48 km/h, with a dummy at each front outboard designated seating position, or

(b) at the manufacturer's option (with said option irrevocably selected prior to, or at the time of, certification of the vehicle), it is impacted at  $80 \pm 1.0$  km/h with 50th percentile test dummies as specified in part 572 of this chapter at each front outboard designated seating position under the conditions specified in S7.3(b) of FMVSS No. 301 and S7 of this section as applicable.

\* \* \* \* \*

S7.4 *Rear moving barrier impact test conditions.* In addition to the conditions of S7.1 and S7.2, the rear moving barrier test conditions for S6.2(a) are those specified in S8.2 of Standard No. 208 (49 CFR 571.208), except for the positioning of the barrier and the vehicle. The rear moving barrier is described in S8.2 of Standard No. 208 of this chapter. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling at 48 km/h with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact

surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

\* \* \* \* \*

**PART 586—FUEL SYSTEM INTEGRITY UPGRADE PHASE-IN REPORTING REQUIREMENTS**

■ 4. The authority citation for Part 586 continues to read as follows:

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

■ 5. Section 586.6 is amended by revising paragraph (a)(4) as follows:

**§ 586.6 Reporting requirements.**

(a) Phase-in reporting requirements.

\* \* \*

\* \* \* \* \*

(4) Contain a statement regarding whether or not the manufacturer complied with the requirements of S6.2(b), or S6.2(c) if applicable, of Standard No. 301 (49 CFR 571.301) for the period covered by the report and the basis for that statement;

\* \* \* \* \*

Issued: August 12, 2004.

Jeffrey W. Runge,  
Administrator.

[FR Doc. 04-18968 Filed 8-18-04; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Parts 571 and 574**

[Docket No. NHTSA-04-17917]

RIN 2127-AJ36

**Tire Safety Information; Correction**

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

**ACTION:** Correcting amendments.

**SUMMARY:** On June 3, 2004, the National Highway Traffic Safety Administration (NHTSA) published a final rule; response to the petitions for reconsideration of a final rule on tire safety information published on November 18, 2002. We inadvertently omitted regulatory text related to several issues raised by petitioners. This document corrects these omissions.

**DATES:** Effective September 1, 2005.

**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:** In response to a final rule on tire safety information published on November 18, 2002 (67 FR 69600), we received a request for an interpretation asking whether laser etching of the date code portion of the Tire Identification Number (TIN) is permitted.<sup>1</sup> Specifically, S5.5 of FMVSS No. 139 requires that each new pneumatic tire for light vehicles must be “marked” with the TIN in accordance with 49 CFR 574.5. In responding to this request, the agency issued a letter of interpretation indicating that 49 CFR 574.5 permitted laser etching of the date code portion of the TIN, as “long as it occurred in-line, i.e., as part of the manufacturing process of the tire.” We also indicated in that letter that in responding to petitions for reconsideration of the November 2002 tire safety information final rule, we would amend 49 CFR 574.5 to codify the interpretation.<sup>2</sup>

We inadvertently omitted the codifying amendment from the response to the petitions for reconsideration published on June 3, 2004. In order to avoid ambiguities associated with defining “in-line” or “part of the manufacturing process,” this correcting amendment includes a time limit within which the date code can be laser etched into the tire.

In addition to omitting the codifying amendment, we inadvertently omitted making certain changes to the regulatory text discussed in the preamble on page 31315.

Correcting the omission of the codifying amendment will not impose or relax any additional 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.

■ In FR Doc. 04-11963 published on June 3, 2004 (69 FR 31306), make the following corrections:

**PART 571—[CORRECTED]**

■ 1. On page 31317, second column, amendatory instruction 2 is corrected as follows:

“2. Section 571.110 is amended by revising paragraph S4.2.2, S4.3, S4.3.4(c), adding paragraph S4.3.5, and revising Figures 1 and 2 at the end of § 571.110, to read as follows:”

<sup>1</sup> See [http://dmses.dot.gov/docimages/pdf86/245047\\_web.pdf](http://dmses.dot.gov/docimages/pdf86/245047_web.pdf).

<sup>2</sup> See <http://www.nhtsa.dot.gov/cars/rules/interps/files/firestonelaser-2.html>.

**§ 571.110 [CORRECTED]**

■ 2. On page 31317, in the second column, add paragraph S4.2.2 to read as follows:

“S4.2.2 The vehicle normal load on the tire shall not be greater than the test load used in the high speed performance test specified in S5.5 of § 571.109, or S7.4 of § 571.119, as appropriate, for that tire.”

\* \* \* \* \*

■ 3. On page 31317, in the third column, paragraph (d) is corrected as follows:

“(d) Tire size designation, indicated by the headings “size” or “original tire size” or “original size,” and “spare tire” or “spare,” for the tires installed at the time of the first purchase for purposes other than resale;”

■ 4. On page 31318, in the first column, following the first paragraph, add paragraph S4.3.4(c) to read as follows:

“S4.3.4 (c) The tire load rating specified in a submission by an individual manufacturer, pursuant to S4.1.1(a) of § 571.139 or contained in one of the publications described in S4.1.1(b) of § 571.139, for the tire size at that inflation pressure is not less than the vehicle maximum load and the vehicle normal load on the tire for those vehicle loading conditions.”

\* \* \* \* \*

**PART 574—[CORRECTED]**

■ 5. On page 31320, third column, amendatory instruction 6 and the authority citation for part 574 are corrected as follows:

“6. The authority citation for Part 574 continues to read as follows: Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at CFR 1.50.”

**§ 574.5 [Corrected]**

■ 6. On page 31320, third column, amendatory instruction 7 and the amendments to § 574.5 are revised to read as follows:

“7. Section 574.5 is amended by removing the first two sentences of the introductory text and adding four sentences in their place, and by revising paragraph (d) to read as follows:

**§ 574.5 Tire identification requirements.**

Each tire manufacturer shall conspicuously label on one sidewall of each tire it manufactures, except tires manufactured exclusively for mileage-contract purchasers, or non-pneumatic tires or non-pneumatic tire assemblies, by permanently molding into or onto the sidewall, in the manner and location specified in Figure 1, a tire identification number containing the

information set forth in paragraphs (a) through (d) of this section. However, at the option of the manufacturer, the information contained in paragraph (d) of this section may, instead of being permanently molded, be laser etched into or onto the sidewall in the location specified in Figure 1, during the manufacturing process of the tire and not later than 24 hours after the tire is removed from the mold. Each tire retreader, except tire readers who retread tires solely for their own use, shall conspicuously label one sidewall of each tire it retreads by permanently molding or branding into or onto the sidewall, in the manner and location specified in Figure 2, a tire identification number containing the information set forth in paragraphs (a) through (d) of this section. However, at the option of the retreader, the information set forth in paragraph (d) of this section may, instead of being permanently molded or branded, be laser etched into or onto the sidewall in the location specified in Figure 2, during the retreading of the tire and not later than 24 hours after the application of the new tread. \* \* \*

\* \* \* \* \*

(d) *Fourth grouping.* The fourth grouping, consisting of four numerical symbols, must identify the week and year of manufacture. The first two symbols must identify the week of the year by using “01” for the first full calendar week in each year, “02” for the second full calendar week, and so on. The calendar week runs from Sunday through the following Saturday. The final week of each year may include not more than 6 days of the following year. The third and fourth symbols must identify the year. Example: 0101 means the 1st week of 2001, or the week beginning Sunday, January 7, 2001, and ending Saturday, January 13, 2001. The symbols signifying the date of manufacture shall immediately follow the optional descriptive code (paragraph (c) of this section). If no optional descriptive code is used, the symbols signifying the date of manufacture must be placed in the area shown in Figures 1 and 2 of this section for the optional descriptive code.”

\* \* \* \* \*

Issued: August 13, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04–18950 Filed 8–18–04; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 660**

[Docket No. 04061787–4234–02; I.D. 060704H]

**RIN 0648–AR85**

**Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish and Seamount Groundfish Fishery; Fishing Moratorium**

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

**ACTION:** Final rule.

**SUMMARY:** NOAA Fisheries issues this final rule to extend the current moratorium on harvesting seamount groundfish from the Hancock Seamount in the Northwestern Hawaiian Islands for 6 years, until August 31, 2010. The fishery has been closed since 1986. NMFS is promulgating this final rule in response to recommendation by the Western Pacific Fishery Management Council (Council). The closure is intended to conserve pelagic armorhead (*Pseudopentaceros wheeleri*, formerly, *Pentaceros richardsoni*), which is an overfished stock.

**DATES:** Effective September 20, 2004.

**ADDRESSES:** A regulatory impact review (RIR) was prepared for this final rule. A copy of the RIR is available from William L. Robinson, Regional Administrator, NOAA Fisheries Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lewis Van Fossen, Resource Management Specialist, Sustainable Fisheries Division (808) 973–2937.

**SUPPLEMENTARY INFORMATION:****Electronic Access**

This **Federal Register** document is also accessible via the internet at the website of the Office of **Federal Register**: <http://www.access.gpo.gov/su-docs/aces/aces140.html>

**Background**

When the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) was implemented (51 FR 27413, July 31, 1986), it was determined that a 6-year moratorium on fishing at Hancock Seamount was needed to aid the recovery of the pelagic armorhead (*Pseudopentaceros wheeleri*, formerly, *Pentaceros richardsoni*).