

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](mailto: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).

in the area from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea) to close at midnight on Thursday, September 2, 2004. To allow for the Neah Bay Subarea to remain open until September 2, 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. On August 19 the Regional Administrator had determined the available catch and effort data indicated that the adjusted quota of 30,750 coho salmon would be reached, and that a transfer of quota from the Westport to the Neah Bay Subarea could be done without impacting the fishers from Westport.

All other restrictions remained in effect as announced for 2004 ocean salmon fisheries and previous inseason actions. These actions were necessary to conform to the 2004 management goals. Automatic season closures based on quotas are authorized by regulations at 50 CFR 660.409(a)(1). Modification of quotas and/or fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i).

In the 2004 annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), NMFS announced the recreational fishery in the area from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea) would open June 27 through the earlier of September 19 or a 21,050-coho subarea quota, with a subarea guideline of 3,700 chinook; and that the area from the Queets River to Leadbetter Point, WA (Westport Subarea) would open June 27 through the earlier of September 19 or a 74,900 coho subarea quota, with a subarea guideline of 30,800 chinook.

The recreational fishery in the area from the Queets River, WA, to Cape Falcon, OR (Westport and Columbia River Subareas) was modified by Inseason Action #7 to be open 7 days per week, with a modified daily bag limit of all salmon, two fish per day, and all retained coho must have a healed adipose fin clip, effective Friday, July 23, 2004, thus allowing for the retention of two chinook per day (69 FR 52448, August 26, 2004).

The recreational fisheries in the area from Cape Alava, WA to Cape Falcon, OR (La Push, Westport, and Columbia River Subareas) were modified by Inseason Action #10 to have a minimum size limit for chinook of 24 inches (61.0 cm) total length; and for the area from Cape Alava to Queets River, WA (La Push Subarea) the daily bag limit was modified to: "all salmon, two fish per

day, and all retained coho must have a healed adipose fin clip," thus allowing for the retention of two chinook per day. In addition, 40,000 coho were reallocated from Queets River to Leadbetter Point, WA (Westport Subarea) quota, by transferring the coho on an impact neutral basis, to the coho quota in the subarea from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea), which increased the Neah Bay Subarea quota by 6,600 coho (69 FR 54047, September 7, 2004).

The recreational salmon fishery from the Queets River to Leadbetter Point, WA (Westport Subarea) was modified by Inseason Action numsign;11, effective Sunday, August 29, 2004, to allow for the retention of all legal sized coho until the earlier of September 19 or a quota of 10,000 coho (69 FR 63333, November 1, 2004). Unmarked coho could only be possessed and landed in the Westport Subarea. In addition, 20,000 coho from the quota of the commercial fishery from the U.S.-Canada Border to Cape Falcon was traded for 5,000 chinook from the Westport Subarea quota.

On August 26, 2004, the RA consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. Information related to catch to date, the coho and chinook catch rates, and effort data indicated that it was likely that the Neah Bay Subarea coho quota would be reached soon, and that the Westport Subarea catch was much lower than was predicted preseason, with the result that a significant portion of the subarea coho quota would remain un-caught at the end of the season. As a result, on August 26 the states recommended, and the RA concurred, that 7,100 coho be reallocated from the Westport Subarea quota, by transferring the coho on an impact neutral basis, to the coho quota in the Neah Bay Subarea, thus increasing its quota by 3,100 coho; and that the Neah Bay Subarea be closed at midnight on Thursday, September 2, 2004. All other restrictions that apply to this fishery remained in effect as announced in the 2004 annual management measures.

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the states. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone in accordance

with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishers of the already described regulatory action was given, prior to the date the action was effective, by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

These actions do not apply to other fisheries that may be operating in other areas.

### Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), the West Coast Salmon Plan, and regulations implementing the West Coast Salmon Plan 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies have insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the extent of the fisheries, and the time the fishery closure must be implemented to avoid exceeding the quota. Because of the rate of harvest in this fishery, failure to close the fishery upon attainment of the quota would allow the quota to be exceeded, resulting in fewer spawning fish and possibly reduced yield of the stocks in the future. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness required under U.S.C. 553(d)(3).

These actions are authorized by 50 CFR 660.409 and 660.411 and are exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 1, 2004.

**Bruce C. Morehead,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

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