

the States. Therefore, the consultation and funding requirements do not apply.

C. Executive Order 13084

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the communities of the Indian tribal governments and does not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires an agency to review regulations to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. I hereby certify this final rule, which amends the CFR to reflect a delegation of authority from the Secretary to the FMCSA Administrator and to the Undersecretary of Transportation for Security, will not have a significant economic impact on a substantial number of small businesses.

E. Paperwork Reduction Act

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

F. Unfunded Mandates Reform Act

The Department has determined that the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply to this rulemaking.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

■ In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

■ 1. The authority citation for Part 1 is revised to read as follows:

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. 106-159, 113 Stat. 1748; Pub. L. 107-71, 115 Stat. 597; Pub. L. 107-295, 116 Stat. 2064 (2002); Pub. L. 107-296, 116 Stat. 2135 (2002).

■ 2. In § 1.26 remove paragraphs (a)(2) through (a)(12) and add paragraphs (a)(2) through (a)(11) to read as follows:

§ 1.26 Secretarial succession.

(a) \* \* \*

(2) Under Secretary of Transportation for Policy.

(3) General Counsel.

(4) Assistant Secretary for Aviation and International Affairs.

(5) Assistant Secretary for Transportation Policy.

(6) Assistant Secretary for Budget and Programs.

(7) Assistant Secretary for Governmental Affairs.

(8) Assistant Secretary for Administration.

(9) Federal Aviation Administrator.

(10) Federal Aviation Administration Regional Administrator, Southwest Region.

(11) Federal Aviation Administration Regional Administrator, Great Lakes Region.

\* \* \* \* \*

Issued this 28th day of May, 2003, in Washington, DC.

Norman Y. Mineta,

Secretary of Transportation.

[FR Doc. 03-14697 Filed 6-11-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA-03-15366]

Consumer Information Regulations; Uniform Tire Quality Grading Standards; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correcting amendment.

SUMMARY: On November 15, 1991, the National Highway Traffic Safety Administration (NHTSA) published a final rule amending the treadwear testing procedures of the Uniform Tire Quality Grading Standards (UTQGS) to permit the use of front-wheel drive passenger cars, as well as light trucks, and MPVs. Previously, UTQGS specified testing of tires using only rear-wheel drive passenger cars. The effective date of the amendment was December 16, 1991. However, this new language was later inadvertently deleted in an unrelated amendment.

This document corrects NHTSA's inadvertent deletion of that regulatory language.

DATES: These amendments to the final rule are effective July 14, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. George Feygin, Office of Chief Counsel (Telephone: (202) 366-2992) (Fax: (202)

366-3820), 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Uniform Tire Quality Grading Standards (UTQGS) sets forth procedures for treadwear testing in 49 CFR 575.104(e). The purpose of the treadwear grades is to aid consumers in the selection of new tires by informing them of the relative amount of expected tread life for each tire offered for sale. This allows the tire purchaser to compare passenger car tires based on tread life.

On November 15, 1991, the agency amended section 575.104(e)(1)(iv) of the treadwear grading procedures to permit treadwear convoys to consist of front-wheel drive passenger cars and light trucks, vans and multipurpose passenger vehicles (MPVs) (or any combination thereof) (56 FR 57988). Previously, the regulations had specified that only rear-wheel drive passenger cars could be used in the testing to determine treadwear grades.

In drafting the November 15, 1991 amendment, NHTSA inadvertently overlooked the fact that a June 11, 1991 final rule; response to a petition for reconsideration amended the same section of the regulation with a later effective date of September 1, 1993. As a result, the new regulatory language was later inadvertently deleted from the CFR.

NHTSA is publishing this correcting amendment to reinstate regulation language allowing for use of front-wheel drive vehicles, light trucks, and MPVs in treadwear convoys that was inadvertently deleted.

This amendment to the final rule is effective 30 days after the date of publication in the Federal Register. Remedying this error on the part of the agency will not impose any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice of proposed rulemaking and opportunity for comment on these amendments are not necessary.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 575—CONSUMER INFORMATION REGULATIONS

■ Accordingly, 49 CFR Part 575 is corrected by making the following correcting amendment:

■ 1. The authority citation for Part 575 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 575.104 is corrected by revising paragraph (e)(1)(iv) to read as follows:

**§ 575.104 Standard No. 104 Uniform tire quality grading standards.**

\* \* \* \* \*

(e) *Treadwear grading conditions and procedures—(1) Conditions.*

\* \* \* \* \*

(iv) A test convoy consists of two or four passenger cars, light trucks, or MPVs, each with a GVWR of 10,000 pounds or less.

\* \* \* \* \*

Issued: June 5, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-14693 Filed 6-11-03; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 020325070-3146-04; I.D. 071299C]

RIN 0648-AM91

#### Atlantic Highly Migratory Species (HMS); Fishing Vessel Permits; Charter Boat Operations; Temporary Rule

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

**ACTION:** Final rule; temporary rule.

**SUMMARY:** This rule provides a limited time during which Atlantic Tunas General category permit holders may change to the new Atlantic HMS Angling category. This one-time allowance is meant to alleviate confusion resulting from the establishment of this new permit category.

**DATES:** Effective June 9, 2003, through July 9, 2003. All permit changes must be made by July 9, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mark Murray-Brown or Brad McHale at 978-281-9260.

**SUPPLEMENTARY INFORMATION:** A final rule published on December 18, 2002 (67 FR 77434), established a new HMS Angling category vessel permit. This new permit category was meant to allow recreational fishers to fish for, possess, and retain HMS. Further, the final rule specified that Atlantic Tunas General category permits could no longer be used by recreational fishers to fish for, possess, or retain HMS other than bluefin tuna. The final rule also specified that vessel category changes could not be made after a permit is issued for a fishing year.

NMFS has recently received comments that the new permit category and the change to activities formerly allowed under General category rules has caused confusion. Due to this confusion, many permit holders obtained Atlantic Tunas General category vessel permits in error. Due to the unique circumstances of the new HMS Angling permit requirement, this rule provides a 30 day period for Atlantic Tunas General category permit holders to change their permit category and obtain Atlantic HMS Angling category permits. Pending receipt of a new permit, permit holders are subject to the regulations applicable to their currently held permits.

#### Permit Category Changes

NMFS maintains an automated permitting system for the issuance of Atlantic tunas vessel permits and HMS Angling vessel permits. To make a permit category change under this temporary rule, dial (888) 872-8862 and press "0" from the main menu to reach a Customer Service representative.

#### Classification

This rule is published under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act.

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is consistent with the

Magnuson-Stevens Act and other applicable laws.

The Assistant Administrator for Fisheries, NOAA (AA), finds for good cause that providing prior notice and public comment for this temporary rule, as required under 5 U.S.C. 553(b)(B), is impracticable and contrary to the public interest. The Atlantic HMS Fishery opened on June 1, 2003. Over the past week, fishermen notified NMFS that, as a result of confusion regarding the new HMS recreational Angling permit requirement, they had unintentionally applied for and received General category permits. Having General category permits precludes them from participating in recreational tournaments. Tournaments are underway now and are scheduled throughout the summer. Because the fishery has already begun and tournaments are currently taking place, providing prior notice and an opportunity for public comment on allowing fishermen who intended to fish under the new Angling category to change from their incorrect permit category would effectively prevent these fishermen from being allowed to fish.

Because this rule relieves a restriction by allowing an otherwise prohibited permit change, it is not subject to a 30-day delay in effective date pursuant to 5 U.S.C. 553(d)(1).

NMFS will rapidly communicate this action to fishery participants through its FAX network and HMS Information Line.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

This action is not significant within the meaning of Executive Order 12866.

Dated: June, 9, 2003.

**William T. Hogarth,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-14863 Filed 6-9-03; 1:12 pm]

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