

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571****[Docket No. NHTSA-03-17032]****Federal Motor Vehicle Safety Standards; Fuel System Integrity**

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

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

**SUMMARY:** This document contains a correction to the final rule published on December 1, 2003 (68 FR 67068), that amended the rear and side impact test procedures for the fuel system integrity.

**DATES:** The effective date of this final rule is April 12, 2004. Petitions for reconsideration must be submitted so they are received by the agency March 29, 2004.

**ADDRESSES:** Petitions for reconsideration must be identified by the Docket Number in the title to this document and submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** For technical and other non-legal issues, you may call Dr. William J.J. Liu, Office of Crashworthiness Standards (Telephone: 202-366-2264) (Fax: 202-366-4329).

For legal issues, you may call Mr. Chris Calamita, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:****Background**

The standard and regulation that are subject to this correction are Federal Motor Vehicle Safety Standard (FMVSS) No. 301, *Fuel system integrity*, and 49 CFR part 586, *Fuel System Integrity Upgrade Phase-In*. In December 2003, we published a final rule upgrading the rear impact test in FMVSS No. 301. To increase the stringency of the standard in order to save more lives and prevent more injuries, the final rule replaces the current full rear impact test procedure performed at 48 km/h (30 mph) with an offset rear impact test procedure specifying that only a portion of the width of the rear of the test vehicle be impacted at 80 km/h (50 mph). Under

the new rear impact procedure, a lighter, deformable barrier is used. The final rule also replaces the standard's lateral (side) impact test procedure with the procedure specified in the agency's side impact protection standard at an impact speed range of  $53 \pm 1$  km/h.

The rear impact test requirements of the final rule are being phased-in over a period of three years beginning September 1, 2006. During the phase-in, increasing percentages of motor vehicles will be required to meet the upgraded rear impact test.

Finally, the final rule revises part 586 to establish Fuel System Integrity Upgrade Phase-In Reporting Requirements.

**Need for Correction**

As published, the December 2003 final rule contained an error that needs correction. The final rule requires manufacturers of vehicles produced by more than one manufacturer to report to the agency the name of the manufacturer to which a vehicle will be attributed for purposes of the phase-in reporting. However, FMVSS No. 301, as amended by the final rule, references 49 CFR part 590 [Reserved], instead of part 586.

This correction amends S8.3.2 of FMVSS No. 301 to reference part 586.

**Correction of Publication****List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, NHTSA is amending 49 CFR part 571 as follows:

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

- 1. The authority citation for part 571 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. In Section 571.301, paragraph S8.3.2 is revised to read as follows:

**§ 571.301 Standard No. 301; Fuel system integrity.**

\* \* \* \* \*

S8.3.2 A vehicle produced by more than one manufacturer must be attributed to any one of the vehicle's manufacturers specified by an express written contract, reported to the National Highway Traffic Safety Administration under 49 CFR part 586, between the manufacturer so specified and the manufacturer to which the

vehicle would otherwise be attributed under S8.3.1.

\* \* \* \* \*

Issued on: February 5, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-2995 Filed 2-10-04; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 229**

**[Docket No. 950605147-5209-0; I.D. 052395C]**

**RIN 0648-AH33**

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Authorization for Commercial Fisheries; Correction**

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

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

**SUMMARY:** NMFS issued a final rule to implement a new management regime for the unintentional taking of marine mammals incidental to commercial fishing operations, which was published in the **Federal Register** on August 30, 1995. The purpose of this document is to correct an unintended error in the definition of "negligible impact," which provides a reference to a section number of the regulations that has been changed.

**DATES:** Effective February 11, 2004.

**FOR FURTHER INFORMATION CONTACT:** Patricia Lawson, NMFS, Office of Protected Resources, (301) 713-2322.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations that are the subject of this correction pertain to section 118 of the Marine Mammal Protection Act of 1972, as amended, which provides for exceptions for the taking of marine mammals incidental to certain commercial fishing operations from the Act's general moratorium on the taking of marine mammals.

**Correction**

This document corrects an unintended error. The definition of "negligible impact" in 50 CFR 229.2 simply refers to the definition of the same term in 50 CFR 228.3. The

definition in 50 CFR 228.3 has been moved to 50 CFR 216.103. However, the definition in 50 CFR 229.2 still refers to 50 CFR 228.3. Therefore, in 50 CFR 229.2, the definition for “negligible impact” refers to § 228.3; the correct reference is § 216.103.

**Classification**

The Assistant Administrator finds that good cause exists to waive the requirement to provide prior notice and the opportunity for comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be unnecessary. Prior notice and opportunity for comment are unnecessary because this amendment corrects an error in a reference to a section number in the regulations and will have a de minimus effect, if any, on the regulated community. This correction does not increase the scope of the regulated community. This

correction does not increase the scope of the regulated community nor add new requirements. In addition, because this rule corrects a provision and makes non-substantive or de minimus changes to the regulations, the Assistant Administrator finds good cause under 5 U.S.C. 553(d) not to delay the effective date of this final rule for 30 days.

Because a general notice of proposed rulemaking is not required under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Dated: February 4, 2003.

**William T. Hogarth,**

*Assistant Administrator, National Marine Fisheries Service.*

**List of Subjects in 50 CFR Part 229**

Administrative practice and procedure, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble, 50 CFR part 229 is amended as follows:

**PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972**

■ 1. The authority citation for part 229 continues to read as follows:

*Authority:* 16 U.S.C. 1361 *et seq.*

■ 2. In § 229.2, the definition of “Negligible impact” is revised to read as follows:

**§ 229.2 Definitions.**

\* \* \* \* \*

*Negligible impact* has the same meaning as in § 216.103 of this chapter.

\* \* \* \* \*

[FR Doc. 04–2981 Filed 2–10–04; 8:45 am]

**BILLING CODE 3510–22–S**