

§ 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.”

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■ 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.”

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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 retreaders 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. * * *

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(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.”

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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*).

Foreign vessels over exploited the seamount groundfish resource before the Fishery Conservation and Management Act, now called the Magnuson-Stevens Fishery Conservation and Management Act, was enacted in 1976. There has never been a domestic fishery targeting these stocks. Periodic reviews since the original moratorium was implemented consistently determined that the stock has not recovered. Therefore, the moratorium was extended twice already for 6-year increments in 1992 and 1998 (57 FR 36907, August 17, 1992; and 63 FR 35162, June 29, 1998; respectively). On June 25, 2004, a proposed rule (69 FR 35570) was published announcing another extension until August 31, 2010.

The last U.S. research cruise to the Hancock Seamount was conducted in 1993. However, the Japanese trawl fleet continues to harvest pelagic armorhead on neighboring seamounts outside of the U.S. exclusive economic zone (EEZ) surrounding the Northwestern Hawaiian Islands. According to information provided by the Japan National Research Institute of Far Seas Fisheries, the most current (2002) spawning potential ratio (SPR) for the armorhead stock is 0.1 percent at all seamounts outside of the EEZ. These seamounts comprise 95 percent of the trawl grounds for the Japanese trawl fishery. Based on the low SPR value, it is inferred that the status of the Hancock Seamount is similarly depressed and well under 20 percent SPR which is the standard for determining when pelagic armorhead overfished. At its October 2003 meeting the Council heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee on the status of the seamount groundfish resources. On the basis of these reports, and in accordance with the framework at 50 CFR 660.67, the Council recommended a permanent closure of the Hancock Seamount to the harvest of groundfish resources. However, it is unlikely that an amendment to the FMP closing Hancock Seamount to the harvesting of groundfish resources could be completed before the current

moratorium expires. Therefore, at its March 2004 meeting the Council recommended extending the current moratorium another 6 years (i.e., August 31, 2010). During the proposed moratorium, an amendment to the FMP that would permanently close Hancock Seamount to groundfish harvest could be developed.

Comments and Responses

NMFS received 2 comments on the proposed rule from 2 commenters.

Comment 1: The moratorium extension should be expanded to 20 years and include all fish - not just groundfish - and increase enforcement at Hancock Seamount.

Response: NMFS is limited to imposing a 6-year extension specifically to seamount groundfish resources. The moratorium extension implemented by this final rule is intended to be an interim measure until a more permanent management regime is developed by the Council for the Hancock Seamount groundfish fishery. In regard to closing fishing to other species besides groundfish at Hancock Seamount, NMFS' current data indicate that stocks of other potential commercially harvested fish (i.e., pelagics) can continue to be harvested in a sustainable manner. Closure of the area to the harvest of these resources is unwarranted. Finally, NMFS Enforcement is monitoring the area as funds permit. However, due to its remote location and poor potential returns on investments, U.S. fishermen are unlikely to target pelagic armorhead resources in the remote NWHI. Additionally, the U.S. Coast Guard already has plans to increase patrols in the U.S. EEZ surrounding Hawaii, because of heightened national security concerns.

Comment 2: If the Hancock Seamount is only one of the seamounts potentially harvested [for] armorhead then why not make it a sanctuary permanently off limits to bottomfishing? Keep it open to tuna/swordfish longliners and albacore trollers.

Response: As stated above, this final rule is intended to be an interim measure until a long-term management

program is developed by the Council. In regard to the harvest of pelagic management unit species targeted by longliners and trollers, see the response to Comment 1.

Classification

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule for this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule. No comments were received regarding the economic impacts of this action. As a result a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: August 13, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

■ 1. The authority citation for part 660 continues to read as follows:

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

■ 2. Section 660.68 is revised to read as follows:

§ 660.68 Fishing moratorium on Hancock Seamount.

Fishing for bottomfish and seamount groundfish on the Hancock Seamount is prohibited through August 31, 2010.

[FR Doc. 04-18956 Filed 8-18-04; 8:45 am]

BILLING CODE 3510-22-S