

effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004–D015.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### List of Subjects in 48 CFR Part 219

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

■ Therefore, 48 CFR part 219 is amended as follows:

■ 1. The authority citation for 48 CFR part 219 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

### PART 219—SMALL BUSINESS PROGRAMS

#### 219.800 [Amended]

■ 2. Section 219.800 is amended in paragraph (a), in the last sentence, by removing “2004” and adding in its place “2005”.

[FR Doc. 04–21852 Filed 9–29–04; 8:45 am]

BILLING CODE 5001–08–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 19

[Docket No. OST–2004–18517]

RIN 2105–AC83

### Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Institutions

**AGENCY:** Office of the Secretary (OST), DOT.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Department of Transportation (DOT) is issuing a final rule on the changes to OMB Circular A–110, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-

Profit Institutions,” which OMB published as agency guidance in the **Federal Register** on March 16, 2000, in Volume 65, Number 52, page 144051, and DOT codified as an interim final rule in the same document.

**DATES:** *Effective Date:* This rule is effective November 1, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Ladd Hakes, Business Policy Division, M–61, Office of the Senior Procurement Executive, Office of the Secretary, (202) 366–4268.

**SUPPLEMENTARY INFORMATION:** Congress included a two-sentence provision in the Office of Management and Budget’s (OMB) appropriation for fiscal year 1999 directing OMB to amend Section .36 of OMB Circular A–110 to “require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.” The provision also provided for a reasonable fee to cover the costs incurred in responding to a request. OMB Circular A–110 applies to grants and cooperative agreements to institutions of higher education, hospitals, and other non-profit institutions, from all Federal agencies.

OMB finalized the revision on September 30, 1999 (64 FR 54926, October 8, 1999). OMB published guidance to Federal agencies for adopting the revisions (65 FR 14405) on March 16, 2000, as an interim final rule. DOT adopted the guidance as an interim final rule in the same document. DOT now adopts the revisions as a final rule.

DOT did not receive any comments on the interim final rule. Consequently, the Department is adopting the interim final rule without change.

#### Regulatory Analyses and Notices

This is a significant regulatory action under Executive Order 12866 and the Department of Transportation’s Regulatory Policies and Procedures, because it adopts as a final rule an earlier regulatory action which had been listed as significant.

The Regulatory Flexibility Act requires that, for each rule with a “significant economic impact on a substantial number of small entities,” an analysis must be prepared describing the rule’s impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities. DOT certifies that this final rule will not have a significant impact on a substantial number of small entities. This rule concerns the information that Federally-funded researchers must provide in

response to Freedom of Information Act requests.

The Unfunded Mandates Act requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of \$100 million by State, local, Indian Tribal governments or the private sector. Since this final rule will not result in expenditures of this magnitude, DOT certifies that such statements are not necessary. This final rule will not impose additional reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

Issued this 8th day of September, 2004, at Washington, DC.

**Norman Y. Mineta,**

*Secretary of Transportation.*

■ For the reasons stated in the preamble, the Department of Transportation adopts as a final rule that which was published as an interim final rule in the March 16, 2000, **Federal Register** (65 FR 14405).

[FR Doc. 04–21980 Filed 9–29–04; 8:45 am]

BILLING CODE 4910–62–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 593

[Docket No. NHTSA–2004–19143]

RIN 2127–AJ35

### List of Nonconforming Vehicles Decided To Be Eligible for Importation

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

**ACTION:** Final rule.

**SUMMARY:** This document revises the list of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation. This list is contained in an appendix to the agency’s regulations that prescribe procedures for import eligibility decisions. The revised list includes all vehicles that NHTSA has decided to be eligible for importation since October 1, 2003. NHTSA is required by statute to publish this list annually in the **Federal Register**.

**DATES:** The revised list of import eligible vehicles is effective on September 30, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, (202) 366–3151.

**SUPPLEMENTARY INFORMATION:** Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to

conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary of Transportation decides to be adequate.

Under 49 U.S.C. 30141(a)(1), import eligibility decisions may be made "on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under [49 U.S.C. 30141(c)]." The Secretary's authority to make these decisions has been delegated to NHTSA. The agency publishes notice of eligibility decisions as they are made.

Under 49 U.S.C. 30141(b)(2), a list of all vehicles for which import eligibility decisions have been made must be published annually in the **Federal Register**. On October 1, 1996, NHTSA added the list as an appendix to 49 CFR Part 593, the regulations that establish procedures for import eligibility decisions (61 FR 51242). As described in the notice, NHTSA took that action to ensure that the list is more widely disseminated to government personnel who oversee vehicle imports and to interested members of the public. See 61 FR 51242-43. In the notice, NHTSA expressed its intention to annually revise the list as published in the appendix to include any additional vehicles decided by the agency to be eligible for importation since the list was last published. See 61 FR 51243. The agency stated that issuance of the document announcing these revisions will fulfill the annual publication requirements of 49 U.S.C. 30141(b)(2). *Ibid.*

#### Rulemaking Analyses and Notices

##### 1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This is a summary compilation of decisions on import eligibility that have

already been made and does not involve new decisions. This action was not reviewed under E.O. 12866. This action is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

##### 2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Because this action does not impose any regulatory requirements, but merely furnishes information by revising the list in the Code of Federal Regulations of vehicles for which import eligibility decisions have been made, it has no economic impact. Based upon this evaluation, I certify that this action will not have a significant economic impact on a substantial number of small entities. Accordingly, the agency has not prepared a regulatory flexibility analysis.

##### 3. Executive Order 13132 (Federalism)

Executive Order 13132 on "Federalism" requires NHTSA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications." Executive Order 13132 defines the term "policies that have federalism implications" to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, NHTSA may not issue a regulation that has federalism implication, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

The amendments adopted in this rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rulemaking action.

##### 4. National Environmental Policy Act

The agency has considered the environmental implications of this rule

in accordance with the National Environmental Policy Act of 1969 and determined that it will not significantly affect the human environment.

##### 5. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, as amended, the agency notes that there are no information collection requirements associated with this rulemaking action.

##### 6. Executive Order 12778 (Civil Justice Reform)

This rule will not have any retroactive or preemptive effect. Judicial review of this rule may be obtained pursuant to 5 U.S.C. 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

##### 7. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually (adjusted for inflation with the base year of 1995). Because this final rule will not require the expenditure of any financial resources, no Unfunded Mandates assessment has been prepared.

##### 8. Executive Order 13045

Executive Order 13045 applies to any rule that (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental, health, or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned rule is preferable to other potentially effective and reasonably feasible alternatives considered by us. This rulemaking is not economically significant.

##### 9. Notice and Comment

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because this action does not impose any regulatory requirements, but merely revises the list of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards that NHTSA has decided to be eligible for importation into the United States to

include all vehicles for which such decisions have been made since the last list was prepared in September of 2003.

In addition, so that the list of vehicles for which import eligibility decisions have been made may be included in the next edition of 49 CFR parts 400 to 999, which is due for revision on October 1, 2004, good cause exists to dispense with the requirement in 5 U.S.C. 553(d) for the effective date of the rule to be delayed for at least 30 days following its publication.

**List of Subjects in 49 CFR Part 593**

Imports, Motor vehicle safety, Motor vehicles.

■ In consideration of the foregoing, Part 593 of Title 49 of the Code of Federal Regulations, *Determinations that a vehicle not originally manufactured to conform to the Federal Motor Vehicle Safety Standards is eligible for importation*, is amended as follows:

**PART 593—[AMENDED]**

■ 1. The authority citation for Part 593 continues to read as follows:

**Authority:** 49 U.S.C. 322 and 30141(b); delegation of authority at 49 CFR 1.50

■ 2. Appendix A to Part 593 is revised to read as follows:

**Appendix A to Part 593—List of Vehicles Determined to be Eligible for Importation**

(a) Each vehicle on the following list is preceded by a vehicle eligibility number. The importer of a vehicle admissible under any eligibility decision must enter that number on the HS-7 Declaration Form accompanying entry to indicate that the vehicle is eligible for importation.

(1) "VSA" eligibility numbers are assigned to all vehicles that are decided to be eligible for importation on the initiative of the Administrator under § 593.8.

(2) "VSP" eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under § 593.5(a)(1), which establishes that a substantially similar U.S.-certified vehicle exists.

(3) "VCP" eligibility numbers are assigned to vehicles that are decided to be eligible under § 593.7(f), based on a petition from a manufacturer or registered importer submitted under § 593.5(a)(2), which establishes that the vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

(b) Vehicles for which eligibility decisions have been made are listed alphabetically by make. Eligible models within each make are listed numerically by "VSA," "VSP," or "VCP" number.

(c) All hyphens used in the Model Year column mean "through" (for example, "1973-1989" means "1973 through 1989").

(d) The initials "MC" used in the Manufacturer column mean "motorcycle."

(e) The initials "SWB" used in the Model Type column mean "Short Wheel Base."

(f) The initials "LWB" used in the Model Type column mean "Long Wheel Base."

(g) For vehicles with a European country of origin, the term "Model Year" ordinarily means calendar year in which the vehicle was produced.

(h) All vehicles are left-hand-drive vehicles unless noted as RHD. The initials "RHD" used in the Model Type column mean "Right-Hand-Drive."

**VEHICLES CERTIFIED BY THEIR ORIGINAL MANUFACTURER AS COMPLYING WITH ALL APPLICABLE CANADIAN MOTOR VEHICLE SAFETY STANDARDS**

VSA-80 .....	(a) All passenger cars less than 25 years old that were manufactured before September 1, 1989; (b) All passenger cars manufactured on or after September 1, 1989, and before September 1, 1996, that, as originally manufactured, are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208; (c) All passenger cars manufactured on or after September 1, 1996, and before September 1, 2002, that, as originally manufactured, are equipped with an automatic restraint system that complies with FMVSS No. 208, and that comply with FMVSS No. 214; (d) All passenger cars manufactured on or after September 1, 2002, and before September 1, 2007, that, as originally manufactured, are equipped with an automatic restraint system that complies with FMVSS No. 208, and that comply with FMVSS Nos. 201, 214, 225, and 401.
VSA-81 .....	(a) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that are less than 25 years old and that were manufactured before September 1, 1991; (b) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on and after September 1, 1991, and before September 1, 1993 and that, as originally manufactured, comply with FMVSS Nos. 202 and 208; (c) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 1993, and before September 1, 1998, and that, as originally manufactured, comply with FMVSS Nos. 202, 208, and 216; (d) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 1998, and before September 1, 2002, and that, as originally manufactured, comply with FMVSS Nos. 202, 208, 214, and 216; (e) All multipurpose passenger vehicles, trucks, and buses with a GVWR of 4,536 kg (10,000 lb) or less that were manufactured on or after September 1, 2002, and before September 1, 2007, and that, as originally manufactured, comply with FMVSS Nos. 201, 202, 208, 214, and 216, and, insofar as it is applicable, with FMVSS No. 225.
VSA-82 .....	All multipurpose passenger vehicles, trucks, and buses with a GVWR greater than 4,536 kg (10,000 lb) that are less than 25 years old.
VSA-83 .....	All trailers and motorcycles less than 25 years old.

**VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET**

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Acura .....	51	.....	.....	Legend .....	.....	1988
Acura .....	77	.....	.....	Legend .....	.....	1989
Acura .....	305	.....	.....	Legend .....	.....	1990-1992
Alfa Romeo .....	196	.....	.....	164 .....	.....	1989
Alfa Romeo .....	76	.....	.....	164 .....	.....	1991
Alfa Romeo .....	156	.....	.....	164 .....	.....	1994
Alfa Romeo .....	124	.....	.....	GTV .....	.....	1985

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Alfa Romeo	70			Spider		1987
Aston Martin	430			Vanquish		2002–2004
Audi	223			80		1998–1989
Audi	93			100		1989
Audi	317			100		1990–1992
Audi	244			100		1993
Audi	160			200 Quattro		1985
Audi	352			A4		1996–2000
Audi	400			A4, RS4, S4	8D	2000–2001
Audi	332			A6		1998–1999
Audi	337			A8		1997–2000
Audi	424			A8		2000
Audi	238			Avant Quattro		1996
Audi	443			RS6 & RS Avant		2003
Audi	428			S6		1996
Audi	424			S8		2000
Audi	364			TT		2000–2001
Bimota (MC)	397			DB4		2000
Bimota (MC)	397			SB8		1999–2000
BMW		66		316		1979–1982
BMW	25			316		1986
BMW	248			3 Series		1995–1997
BMW	379			3 Series		1999, 2001
BMW	356			3 Series		2000
BMW		23		318i, 318iA		1981–1989
BMW		16		320, 320i, 320iA		1979–1985
BMW	283			320i		1990–1991
BMW		67		323i		1979–1985
BMW		30		325, 325i, 325iA, 325E		1985–1989
BMW		24		325e, 325eA		1984–1987
BMW	96			325i		1991
BMW	197			325i		1992–1996
BMW		31		325iS, 325iSA		1987–1989
BMW	205			325iX		1990
BMW		33		325iX, 325iXA		1988–1989
BMW	194			5 Series		1990–1995
BMW	249			5 Series		1995–1997
BMW	314			5 Series		1998–1999
BMW	345			5 Series		2000
BMW	414			5 Series		2000–2002
BMW	4			518i		1986
BMW		68		520, 520i		1979–1983
BMW	9			520iA		1989
BMW		26		524tdA		1985–1986
BMW		69		525, 525i		1979–1982
BMW	5			525i		1989
BMW		21		528e, 528eA		1982–1988
BMW		20		528i, 528iA		1979–1984
BMW		22		533i, 533iA		1983–1984
BMW		25		535i, 535iA		1985–1989
BMW	15			625CSi		1981
BMW	32			628CSi		1980
BMW		18		633CSi, 633CSiA		1979–1984
BMW		27		635, 635CSi, 635CSiA		1979–1989
BMW	299			7 Series		1990–1991
BMW	232			7 Series		1992
BMW	299			7 Series		1993–1994
BMW	313			7 Series		1995–1999
BMW	366			7 Series		1999–2001
BMW		70		728, 728i		1979–1985
BMW	14			728i		1986
BMW		71		730, 730i, 730iA		1979–1980
BMW	6			730iA		1988
BMW		72		732i		1980–1984
BMW		19		733i, 733iA		1979–1984
BMW		28		735, 735i, 735iA		1980–1989
BMW		73		745i		1980–1986
BMW	361			8 Series		1991–1995
BMW	396			850 Series		1997
BMW	10			850i		1990
BMW		78		All other models except those in the M1 and Z1 series.		1979–1989

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
BMW		29		L7		1986–1987
BMW		35		M3		1988–1989
BMW		34		M5		1988
BMW		32		M6		1987–1988
BMW	260			Z3		1996–1998
BMW	350			Z8		2000–2001
BMW	406			Z8		2002
BMW (MC)	228			K1		1990–1993
BMW (MC)	285			K100		1984–1992
BMW (MC)	303			K1100, K1200		1993–1998
BMW (MC)	229			K75S		1987–1995
BMW (MC)	231			R1100		1994–1997
BMW (MC)	368			R1100		1998–2001
BMW (MC)	177			R1100RS		1994
BMW (MC)	359			R1200C		1998–2001
BMW (MC)	295			R80, R100		1986–1995
Bristol Bus			2	VRT Bus—Double Decker		1979–1981
Buell (MC)	399			All Models		1995–2002
Cadillac	300			DeVille		1994–1999
Cadillac	375			Seville		1991
Cagiva	444			Gran Canyon 900 motorcycle		1999
Chevrolet	150			400SS		1995
Chevrolet	298			Astro Van		1997
Chevrolet	405			Blazer		1986
Chevrolet	349			Blazer (plant code of “K” or “2” in the 11th position of the VIN).		1997
Chevrolet	435			Camaro		1999
Chevrolet	369			Cavalier		1997
Chevrolet	365			Corvette		1992
Chevrolet	419			Corvette Coupe		1999
Chevrolet	242			Suburban		1989–1991
Chrysler	344			Daytona		1992
Chrysler	373			Grand Voyager		1998
Chrysler	276			LHS (manufactured for sale in Mexico).		1996
Chrysler	216			Shadow (Middle Eastern market)		1989
Chrysler	273			Town and Country		1993
Citroen			1	XM		1990–1992
Daimler	12			Limousine		1985
Dodge	135			Ram		1994–1995
Ducati (MC)	241			600SS		1992–1996
Ducati (MC)	421			748		1999–2003
Ducati (MC)	220			748 Biposto		1996–1997
Ducati (MC)	201			900SS		1991–1996
Ducati (MC)	421			916		1999–2003
Ducati (MC)	398			996R		2001–2002
Ducati (MC)	407			Monster 600		2001
Eagle	323			Vision		1994
Ferrari		76		208, 208 Turbo (all models)		1979–1988
Ferrari		36		308 (all models)		1979–1985
Ferrari		37		328 (except GTS)		1985, 1988–1989
Ferrari		37		328 GTS		1985–1989
Ferrari	86			348 TB		1992
Ferrari	161			348 TS		1992
Ferrari	376			360		2001
Ferrari	433			360 (manufactured after August 31, 2002).		2002
Ferrari	402			360 (manufactured before September 1, 2002).		2002
Ferrari	327			360 Modena		1999–2000
Ferrari	410			360 Spider & Coupe		2003
Ferrari	256			456		1995
Ferrari	408			456 GT & GTA		1997–1998
Ferrari	173			512 TR		1993
Ferrari	377			550		2001
Ferrari	292			550 Marinello		1997–1999
Ferrari	415			575		2002–2003
Ferrari	436			Enzo		2003–2004
Ferrari	259			F355		1995
Ferrari	355			F355		1996–1998
Ferrari	391			F355		1999
Ferrari	226			F50		1995

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Ferrari		38		GTO		1985
Ferrari		74		Mondial (all models)		1980–1989
Ferrari		39		Testarossa		1987–1989
Ford	265			Bronco (manufactured in Venezuela).		1995–1996
Ford	322			Escort (Nicaragua)		1996
Ford			9	Escort RS Cosworth		1994–1995
Ford	268			Explorer (manufactured in Venezuela).		1991–1998
Ford	425			F150		2000
Ford	367			Mustang		1993
Ford	250			Windstar		1995–1998
Freightliner	179			FLD12064ST		1991–1996
Freightliner	178			FTLD112064SD		1991–1996
GMC	383			Jimmy		1980
GMC	134			Suburban		1992–1994
Harley Davidson (MC)	202			FX, FL, XL Series		1979–1997
Harley Davidson (MC)	253			FX, FL, XL Series		1998
Harley Davidson (MC)	281			FX, FL, XL Series		1999
Harley Davidson (MC)	321			FX, FL, XL Series		2000
Harley Davidson (MC)	362			FX, FL, XL Series		2001
Harley Davidson (MC)	372			FX, FL, XL Series		2002
Harley Davidson (MC)	393			FX, FL, XL Series		2003
Harley Davidson (MC)	422			FX, FL, XL Series		2004
Harley Davidson (MC)	374			VRSCA		2002
Harley Davidson (MC)	394			VRSCA		2003
Harley Davidson (MC)	422			VRSCA		2004
Hobson		8		Horse Trailer		1985
Honda	280			Accord		1991
Honda	319			Accord		1992–1999
Honda	128			Civic DX Hatchback		1989
Honda	191			Prelude		1989
Honda	309			Prelude		1994–1997
Honda (MC)	440			CB 750 (CB750F2T)		1996
Honda (MC)	106			CB1000F		1988
Honda (MC)			22	CBR 250		1989–1994
Honda (MC)	348			CMX250C		1979–1987
Honda (MC)	174			CP450SC		1986
Honda (MC)	358			RVF 400		1994–2000
Honda (MC)	290			VF750		1994–1998
Honda (MC)	358			VFR 400		1994–2000
Honda (MC)			24	VFR 400, RVF 400		1989–1993
Honda (MC)	34			VFR750		1990
Honda (MC)	315			VFR750		1991–1997
Honda (MC)	315			VFR800		1998–1999
Honda (MC)	294			VT600		1991–1998
Hyundai	269			Elantra		1992–1995
Jaguar	78			Sovereign		1993
Jaguar	411			S-Type		2000–2002
Jaguar		41		XJ6		1979–1986
Jaguar	47			XJ6		1987
Jaguar	215			XJ6 Sovereign		1988
Jaguar		40		XJS		1980–1987
Jaguar	175			XJS		1991
Jaguar	129			XJS		1992
Jaguar	195			XJS		1994–1996
Jaguar	336			XJS, XJ6		1988–1990
Jaguar	330			XK–8		1998
Jeep	254			Cherokee		1993
Jeep	180			Cherokee		1995
Jeep	211			Cherokee (European market)		1991
Jeep	164			Cherokee (Venezuelan)		1992
Jeep	224			CJ–7		1979
Jeep	404			Grand Cherokee		1994
Jeep	431			Grand Cherokee		1997
Jeep	382			Grand Cherokee		2001
Jeep	217			Wrangler		1993
Jeep	255			Wrangler		1995
Jeep	341			Wrangler		1998
Jeep	389			Grand Cherokee (LHD) (Japanese market).		1997
Kawasaki (MC)	233			EL250		1992–1994

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Kawasaki (MC)	190			KZ550B		1982
Kawasaki (MC)	182			ZX1000-B1		1988
Kawasaki (MC)	222			ZX400		1987-1997
Kawasaki (MC)	312			ZX6, ZX7, ZX9, ZX10, ZX11		1987-1999
Kawasaki (MC)	288			ZX600		1985-1998
Kawasaki (MC)	247			ZZR1100		1993-1998
Ken-Mex	187			T800		1990-1996
Kenworth	115			T800		1992
KTM (MC)	363			Duke II		1995-2000
Lamborghini	416			Diablo (except 1997 Coupe)		1996-1997
Lamborghini			26	Diablo Coupe		1997
Land Rover	212			Defender 110		1993
Land Rover	432			Defender 90 (manufactured before 9/1/1997).		1997
Land Rover	338			Discovery		1994-1998
Land Rover	437			Discovery (II)		2000
Lexus	293			GS300		1993-1996
Lexus	307			RX300		1998-1999
Lexus	225			SC300, SC400		1991-1996
Lincoln	144			Mark VII		1992
Magni (MC)	264			Australia, Sfida		1996-1999
Maserati	155			Bi-Turbo		1985
Mazda	413			MPV		2000
Mazda	184			MX-5 Miata		1990-1993
Mazda		42		RX-7		1979-1981
Mazda	199			RX-7		1986
Mazda	279			RX-7		1987-1995
Mazda	351			Xedos 9		1995-2000
Mercedes Benz		54		190	201.022	1984
Mercedes Benz		54		190 D	201.126	1984-1989
Mercedes Benz		54		190 D (2.2)	201.122	1984-1989
Mercedes Benz		54		190 E	201.028	1986-1989
Mercedes Benz	22			190 E	201.024	1990
Mercedes Benz	45			190 E	201.024	1991
Mercedes Benz	71			190 E	201.028	1992
Mercedes Benz	126			190 E	201.018	1992
Mercedes Benz		54		190 E (2.3)	201.024	1983-1989
Mercedes Benz		54		190 E (2.6)	201.029	1986-1989
Mercedes Benz		54		190 E 2.3 16	201.034	1984-1989
Mercedes Benz		52		200	123.020	1979-1980
Mercedes Benz		52		200	123.220	1979-1985
Mercedes Benz		55		200	124.020	1985
Mercedes Benz		52		200 D	123.120	1980-1982
Mercedes Benz	17			200 D	124.120	1986
Mercedes Benz	11			200 E	124.021	1989
Mercedes Benz	109			200 E	124.012	1991
Mercedes Benz	75			200 E	124.019	1993
Mercedes Benz	3			200 TE	124.081	1989
Mercedes Benz	168			220 E		1993
Mercedes Benz	167			220 TE Station Wagon		1993-1996
Mercedes Benz		52		230	123.023	1979-1985
Mercedes Benz		52		230 C	123.043	1979-1980
Mercedes Benz		52		230 CE	123.243	1980-1984
Mercedes Benz	84			230 CE	124.043	1991
Mercedes Benz	203			230 CE		1992
Mercedes Benz		52		230 E	123.223	1979-1985
Mercedes Benz		55		230 E	124.023	1985-1987
Mercedes Benz	1			230 E	124.023	1988
Mercedes Benz	20			230 E	124.023	1989
Mercedes Benz	19			230 E	124.023	1990
Mercedes Benz	74			230 E	124.023	1991
Mercedes Benz	127			230 E	124.023	1993
Mercedes Benz		52		230 T	123.083	1979-1985
Mercedes Benz		52		230 TE	123.283	1979-1985
Mercedes Benz		55		230 TE	124.083	1985
Mercedes Benz	2			230 TE	124.083	1989
Mercedes Benz		52		240 D	123.123	1979-1985
Mercedes Benz		52		240 TD	123.183	1979-1985
Mercedes Benz		52		250	123.026	1979-1985
Mercedes Benz	172			250 D		1992
Mercedes Benz	245			250 E		1990-1993
Mercedes Benz		55		260 E	124.026	1985-1989

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Mercedes Benz	105			260 E	124.026	1992
Mercedes Benz	18			260 SE	126.020	1986
Mercedes Benz	28			260 SE	126.020	1989
Mercedes Benz		52		280	123.030	1979–1985
Mercedes Benz		52		280 C	123.050	1979–1980
Mercedes Benz		52		280 CE	123.053	1979–1985
Mercedes Benz		52		280 E	123.033	1979–1985
Mercedes Benz	166			280 E		1993
Mercedes Benz		51		280 S	116.020	1979–1980
Mercedes Benz		53		280 S	126.021	1980–1983
Mercedes Benz		51		280 SE	116.024	1979–1988
Mercedes Benz		53		280 SE	126.022	1980–1985
Mercedes Benz		51		280 SEL	116.025	1979–1980
Mercedes Benz		53		280 SEL	126.023	1980–1985
Mercedes Benz		44		280 SL	107.042	1979–1985
Mercedes Benz		44		280 SLC	107.022	1979–1981
Mercedes Benz		52		280 TE	123.093	1979–1985
Mercedes Benz		52		300 CD	123.150	1979–1985
Mercedes Benz		55		300 CE	124.050	1988–1989
Mercedes Benz	64			300 CE	124.051	1990
Mercedes Benz	83			300 CE	124.051	1991
Mercedes Benz	117			300 CE	124.050	1992
Mercedes Benz	94			300 CE	124.061	1993
Mercedes Benz		52		300 D	123.133	1979–1985
Mercedes Benz		52		300 D	123.130	1979–1985
Mercedes Benz		55		300 D	124.130	1985–1986
Mercedes Benz		55		300 D Turbo	124.133	1985–1989
Mercedes Benz		55		300 E	124.030	1985–1989
Mercedes Benz	114			300 E	124.031	1992
Mercedes Benz	192			300 E 4-Matic		1990–1993
Mercedes Benz		53		300 SD	126.120	1981–1989
Mercedes Benz		53		300 SE	126.024	1985–1989
Mercedes Benz	68			300 SE	126.024	1990
Mercedes Benz		53		300 SEL	126.025	1986–1989
Mercedes Benz	21			300 SEL	126.025	1990
Mercedes Benz		44		300 SL	107.041	1986–1988
Mercedes Benz	7			300 SL	107.041	1989
Mercedes Benz	54			300 SL	129.006	1992
Mercedes Benz		52		300 TD	123.193	1979–1985
Mercedes Benz		55		300 TD Turbo	124.193	1986–1989
Mercedes Benz		55		300 TE	124.090	1986–1989
Mercedes Benz	40			300 TE	124.090	1990
Mercedes Benz	193			300 TE		1992
Mercedes Benz	310			320 CE		1993
Mercedes Benz	142			320 SL		1992–1993
Mercedes Benz		51		350 SE	116.028	1979–1980
Mercedes Benz		51		350 SEL	116.029	1979–1980
Mercedes Benz		44		350 SLC	107.023	1979
Mercedes Benz		53		380 SE	126.032	1979–1989
Mercedes Benz		53		380 SE	126.043	1982–1989
Mercedes Benz		53		380 SEL	126.033	1980–1989
Mercedes Benz		44		380 SL	107.045	1980–1989
Mercedes Benz		44		380 SLC	107.025	1981–1989
Mercedes Benz	296			400 SE		1992–1994
Mercedes Benz	169			420 E		1993
Mercedes Benz		53		420 SE	126.034	1985–1989
Mercedes Benz	230			420 SE		1990–1991
Mercedes Benz	209			420 SEC		1990
Mercedes Benz		53		420 SEL	126.035	1986–1989
Mercedes Benz	48			420 SEL	126.035	1990
Mercedes Benz		44		420 SL	107.047	1986
Mercedes Benz		51		450 SE	116.032	1979–1980
Mercedes Benz		51		450 SEL	116.033	1979–1988
Mercedes Benz		51		450 SEL (6.9)	116.036	1979–1988
Mercedes Benz		44		450 SL	107.044	1979–1989
Mercedes Benz		44		450 SLC	107.024	1979–1989
Mercedes Benz	56			500 E	124.036	1991
Mercedes Benz		53		500 SE	126.036	1980–1986
Mercedes Benz	35			500 SE	126.036	1988
Mercedes Benz	154			500 SE		1990
Mercedes Benz	26			500 SE	140.050	1991
Mercedes Benz		53		500 SEC	126.044	1981–1989

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Mercedes Benz	66			500 SEC	126.044	1990
Mercedes Benz		53		500 SEL	126.037	1980–1989
Mercedes Benz	153			500 SEL		1990
Mercedes Benz	63			500 SEL	126.037	1991
Mercedes Benz		44		500 SL	107.046	1980–1989
Mercedes Benz	23			500 SL	129.066	1989
Mercedes Benz	33			500 SL	126.066	1991
Mercedes Benz	60			500 SL	129.006	1992
Mercedes Benz		44		500 SLC	107.026	1979–1981
Mercedes Benz		53		560 SEC	126.045	1986–1989
Mercedes Benz	141			560 SEC	126.045	1990
Mercedes Benz	333			560 SEC		1991
Mercedes Benz		53		560 SEL	126.039	1986–1989
Mercedes Benz	89			560 SEL	126.039	1990
Mercedes Benz		44		560 SL	107.048	1986–1989
Mercedes Benz		43		600	100.012	1979–1981
Mercedes Benz		43		600 Landaulet	100.015	1979–1981
Mercedes Benz		43		600 Long 4dr	100.014	1979–1981
Mercedes Benz		43		600 Long 6dr	100.016	1979–1981
Mercedes Benz	185			600 SEC Coupe		1993
Mercedes Benz	271			600 SEL	140.057	1993–1998
Mercedes Benz	121			600 SL	129.076	1992
Mercedes Benz		77		All other models except Model ID 114 and 115 with sales designations.		1979–1989
Mercedes Benz	331			C Class		1994–1999
Mercedes Benz	441			C-320	203	2001–2002
Mercedes Benz	277			CL500		1998
Mercedes Benz	370			CL500		1999–2001
Mercedes Benz	370			CL600		1999–2001
Mercedes Benz	380			CLK		1999–2001
Mercedes Benz	357			CLK320		1998
Mercedes Benz	401			E Class	W210	1996–2002
Mercedes Benz	429			E Class	211	2003–2004
Mercedes Benz	354			E Series		1991–1995
Mercedes Benz	207			E200		1994
Mercedes Benz	278			E200		1995–1998
Mercedes Benz	168			E220		1994–1996
Mercedes Benz	245			E250		1994–1995
Mercedes Benz	166			E280		1994–1996
Mercedes Benz	240			E320		1994–1998
Mercedes Benz	418			E320	211	2002–2003
Mercedes Benz	318			E320 Station Wagon		1994–1999
Mercedes Benz	169			E420		1994–1996
Mercedes Benz	163			E500		1994
Mercedes Benz	304			E500		1995–1997
Mercedes Benz			11	G-Wagon	463	1996
Mercedes Benz			15	G-Wagon	463	1997
Mercedes Benz			16	G-Wagon	463	1998
Mercedes Benz			18	G-Wagon	463	1999–2000
Mercedes Benz			5	G-Wagon 300	463.228	1990–1992
Mercedes Benz			3	G-Wagon 300	463.228	1993
Mercedes Benz			5	G-Wagon 300	463.228	1994
Mercedes Benz			6	G-Wagon 320 LWB	463	1995
Mercedes Benz			21	G-Wagon 5 DR LWB	463	2001
Mercedes Benz	392			G-Wagon 5 DR LWB	463	2002
Mercedes Benz			13	G-Wagon LWB V-8	463	1992–1996
Mercedes Benz			14	G-Wagon SWB	463	1990–1996
Mercedes Benz			25	G-Wagon SWB Cabriolet & 3DR	463	2001–2003
Mercedes Benz	423			S Class	140	1991–1994
Mercedes Benz	395			S Class		1993
Mercedes Benz	342			S Class		1995–1998
Mercedes Benz	325			S Class		1998–1999
Mercedes Benz	387			S Class	W220	1999–2002
Mercedes Benz	442			S Class	220	2002–2004
Mercedes Benz	85			S280	140.028	1994
Mercedes Benz	236			S320		1994–1998
Mercedes Benz	267			S420		1994–1997
Mercedes Benz	235			S500		1994–1997
Mercedes Benz	371			S500		2000–2001
Mercedes Benz	297			S600		1995–1999
Mercedes Benz	371			S600		2000–2001

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Mercedes Benz	185			S600 Coupe		1994
Mercedes Benz	214			S600L		1994
Mercedes Benz	343			SE Class		1992–1994
Mercedes Benz	343			SEL Class		1992–1994
Mercedes Benz	329			SL Class		1993–1996
Mercedes Benz	386			SL Class	W129	1997–2000
Mercedes Benz			19	SL Class	R230	2001–2002
Mercedes Benz	257			SLK		1997–1998
Mercedes Benz	381			SLK		2000–2001
Mitsubishi	13			Galant Super Salon		1989
Mitsubishi	8			Galant VX		1988
Mitsubishi	170			Pajero		1984
Moto Guzzi (MC)	403			California EV		2002
Moto Guzzi (MC)	118			Daytona		1993
Moto Guzzi (MC)	264			Daytona RS		1996–1999
MV Agusta	420			F4		2000
Nissan	162			240SX		1988
Nissan	198			300ZX		1984
Nissan		75		Fairlady, Fairlady Z		1979
Nissan			17	GTS, GTR (RHD)		1990–1999
Nissan	138			Maxima		1989
Nissan	316			Pathfinder		1987–1995
Nissan	412			Pathfinder		2002
Nissan	139			Stanza		1987
Nissan		75		Z, 280Z		1979–1981
Peugeot	65			405		1989
Plymouth	353			Voyager		1996
Pontiac (MPV)	189			Trans Sport		1993
Porsche	346			911		1997–2000
Porsche	439			911 (996) Carrera		2002–2004
Porsche	438			911 (996) GT3		2004
Porsche	29			911 C4		1990
Porsche		56		911 Cabriolet		1984–1989
Porsche		56		911 Carrera		1979–1989
Porsche	165			911 Carrera		1993
Porsche	103			911 Carrera		1994
Porsche	165			911 Carrera		1995–1996
Porsche	52			911 Carrera 2 & Carrera 4		1992
Porsche		56		911 Coupe		1979–1989
Porsche		56		911 Targa		1979–1989
Porsche		56		911 Turbo		1979–1989
Porsche	125			911 Turbo		1992
Porsche	347			911 Turbo		2001
Porsche		59		924 Coupe		1979–1989
Porsche		59		924 S		1987–1989
Porsche		59		924 Turbo Coupe		1979–1989
Porsche	266			928		1991–1996
Porsche	272			928		1993–1998
Porsche		60		928 Coupe		1979–1989
Porsche		60		928 GT		1979–1989
Porsche		60		928 S Coupe		1983–1989
Porsche		60		928 S4		1979–1989
Porsche	210			928 S4		1990
Porsche		61		944 Coupe		1982–1989
Porsche	97			944 S Cabriolet		1990
Porsche		61		944 S Coupe		1987–1989
Porsche	152			944 S2 (2-door Hatchback)		1990
Porsche		61		944 Turbo Coupe		1985–1989
Porsche	116			946 Turbo		1994
Porsche		79		All models except Model 959		1979–1989
Porsche	390			Boxster		1997–2001
Porsche	390			Boxster (manufactured before 9/1/2002).		2002
Porsche			20	GT2		2001
Porsche	388			GT2		2002
Rolls Royce	340			Bentley		1987–1989
Rolls Royce	186			Bentley Brooklands		1993
Rolls Royce	258			Bentley Continental R		1990–1993
Rolls Royce	53			Bentley Turbo		1986
Rolls Royce	291			Bentley Turbo R		1992–1993
Rolls Royce	243			Bentley Turbo R		1995
Rolls Royce	122			Camargue		1984–1985

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type(s)	Body	Model year(s)
Rolls Royce	339			Corniche		1979–1985
Rolls Royce		62		Silver Shadow		1979
Rolls Royce	188			Silver Spur		1984
Saab	426			9.3		2003
Saab	158			900		1983
Saab	270			900 S		1987–1989
Saab	219			900 SE		1990–1994
Saab	213			900 SE		1995
Saab	219			900 SE		1996–1997
Saab	59			9000		1988
Saab	334			9000		1994
Smart Car			27	City-Coupe, City-Coupe Glass Top, & Cabrio.		2002–2004
Sprite (trailer)			12	Musketeer		1980
Suzuki (MC)	111			GS 850		1985
Suzuki (MC)	287			GSF 750		1996–1998
Suzuki (MC)	208			GSX 750		1983
Suzuki (MC)	227			GSX-R 1100		1986–1997
Suzuki (MC)	275			GSX-R 750		1986–1998
Suzuki (MC)	417			GSX-R 750		1999–2003
Toyota	308			Avalon		1995–1998
Toyota		63		Camry		1987–1988
Toyota	39			Camry		1989
Toyota		64		Celica		1987–1988
Toyota		65		Corolla		1987–1988
Toyota	320			Land Cruiser		1979–1980
Toyota	252			Land Cruiser		1981–1988
Toyota	101			Land Cruiser		1989
Toyota	218			Land Cruiser		1990–1996
Toyota	324			MR2		1990–1991
Toyota	326			Previa		1991–1992
Toyota	302			Previa		1993–1997
Toyota	328			RAV4		1996
Toyota	200			Van		1987–1988
Triumph (MC)	311			Thunderbird		1995–1999
Triumph (MC)	409			TSS		1982
Vespa (MC)	378			ET2, ET4		2001–2002
Volkswagen	237			Beetle Convertible		1979
Volkswagen	306			Eurovan		1993–1994
Volkswagen	159			Golf		1987
Volkswagen	80			Golf		1988
Volkswagen	92			Golf III		1993
Volkswagen	73			Golf Rallye		1988
Volkswagen	149			GTI (Canadian)		1991
Volkswagen	274			Jetta		1994–1996
Volkswagen	148			Passat 4-door Sedan		1992
Volkswagen	42			Scirocco		1986
Volkswagen	427			Transporter		1979–1980
Volkswagen	284			Transporter		1988–1989
Volkswagen	251			Transporter		1990
Volvo	43			262C		1981
Volvo	137			740 GL		1992
Volvo	87			740 Sedan		1988
Volvo	286			850 Turbo		1995–1998
Volvo	137			940 GL		1992
Volvo	95			940 GL		1993
Volvo	132			945 GL		1994
Volvo	176			960 Sedan & Wagon		1994
Volvo	434			C70		2000
Volvo	335			S70		1998–2000
Yamaha (MC)	113			FJ1200 (4 CR)		1991
Yamaha (MC)			23	FJR 1300		2002
Yamaha (MC)	360			R1		2000
Yamaha (MC)	171			RD-350		1983
Yamaha (MC)	301			Virago		1990–1998

Issued on: September 24, 2004.

Jeffrey W. Runge,

Administrator.

[FR Doc. 04-21978 Filed 9-29-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**49 CFR Parts 1039, 1101, 1105, 1150, 1185, and 1201**

[STB Ex Parte No. 652]

#### Revision of Exemption Authority Citations.

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board or STB) is amending its regulations to change incorrect citations to its authority to exempt rail transportation, and to update miscellaneous references. The Board is also making changes to its authority citations.

**DATES:** These rules are effective on September 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** John Sado, (202) 565-1661. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICCTA), recodified former 49 U.S.C. 10505 as 49 U.S.C. 10502 with minor changes. This section deals with the authority of the Board to exempt railroad transportation. A number of the Board's regulations still refer to 49 U.S.C. 10505. Accordingly, the Board will correct those citations.

Four rules refer to "former 49 U.S.C. 10505". See 49 CFR 1185.1(b), 1185.5(b), 1300.1(d), and 1313.1(b). These citations to former section 10505 are appropriate and will not be changed. However, section 1185.5(b) refers "to an exemption authorized by the STB under former 49 U.S.C. 10505.\* \* \*" The reference to the STB rather than the Interstate Commerce Commission (ICC) is incorrect; when the regulation was issued, it correctly stated "ICC" rather than "STB".<sup>1</sup> Similarly, in section 1185.5(a) there is another instance where "STB" is incorrectly used in lieu of "ICC", this time in reference to former 49 U.S.C. 11343-44.<sup>2</sup> The Board

will change both references to read "ICC".

In section 1150.1(a), there is a reference to "49 U.S.C. 11343". ICCTA recodified former section 11343 as section 11323. Accordingly, that reference will be updated to read "49 U.S.C. 11323". References to outdated telephone numbers in section 1105.12 will also be removed.

The authority citations in Part 1105 will be modified to more accurately reference the provisions that authorize agencies to comply with the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) and the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The new language will reference 16 U.S.C. 1456 and 1536, respectively, rather than 16 U.S.C. 1451 (definitions) and 1531 (definitions and policy). Also, for clarity, the parenthetical to the reference to 49 U.S.C. 701 note (1995) will be modified to read "(Savings Provisions)".

The Board is also revising certain authority citations that cite the Administrative Procedure Act (APA). APA references are being removed where "the APA does not provide an independent basis of authority."<sup>3</sup>

Finally, the Board will not presently make corrections in two sections: 49 CFR 1039.17 and 1090.2. Section 1039.17 deals with the exemption of contracts for protective services. The regulations at 49 CFR 1090.2 concern the exemption of rail and highway trailer-on-flatcar/container-on-flatcar service. The Board will not here update references in these sections because more significant changes may have to be made to them. Thus, these changes will be considered in separate proceedings.

Because these rule changes revise regulations to provide updated statutory references and make revisions that are not substantive, good cause is found to dispense with notice and comment. See 5 U.S.C. 553(b)(B). Moreover, good cause is found for making these rules effective on less than 30 days' notice under 5 U.S.C. 553(d) to change the incorrect references as soon as possible.

The Board certifies that these changes in the rules will not have a significant impact on a substantial number of small entities. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### List of Subjects

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, and Railroads.

49 CFR Part 1101

Administrative practice and procedure.

49 CFR Part 1105

Environmental Impact Statements, Reporting and recordkeeping requirements.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

49 CFR Part 1185

Administrative practice and procedure, Antitrust, and Railroads.

49 CFR Part 1201

Railroads, Uniform System of Accounts.

Decided: September 24, 2004.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams,  
Secretary.

■ For the reasons set forth in the preamble, Parts 1039, 1101, 1105, 1150, and 1185 of title 49, chapter X, of the Code of Federal Regulations are amended as follows:

#### PART 1039—EXEMPTIONS

■ 1. The authority citation for Part 1039 is revised to read as follows:

**Authority:** 49 U.S.C. 10502, 13301.

##### § 1039.10 [Amended]

■ 2. In § 1039.10, remove the reference "10505" in the text following the table, and in its place add "10502".

##### § 1039.20 [Amended]

■ 3. In § 1039.20, remove the reference "10505" and in its place add "10502".

#### PART 1101—DEFINITIONS AND CONSTRUCTION

■ 4. The authority citation for Part 1101 continues to read as follows:

**Authority:** 49 U.S.C. 721.

##### § 1101.2 [Amended]

■ 5. In § 1101.2(e)(5) remove the reference "10505" and in its place add "10502".

#### PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

■ 6. The authority citation for Part 1105 is revised to read as follows:

**Authority:** 16 U.S.C. 470f, 1456, and 1536; 42 U.S.C. 4332 and 6362(b); and 49 U.S.C. 701 note (1995) (Savings Provisions), 721(a), 10502, and 10903-10905.

<sup>1</sup> See *Revision of Regulations for Interlocking Rail Officers*, 1 S.T.B. 1087, 1099 (1996).

<sup>2</sup> *Id.*

<sup>3</sup> *Revision of Authority Citations*, 2 S.T.B. 622, 623 (1997) (footnote omitted).