be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

To accommodate the Crawford allotment, this document also substituted Channel 299A for Channel 272A at Gunnison, Colorado and modified the license of Station KVLE(FM) accordingly; and changed the reference coordinates for vacant Channel 270C2 at Olathe, Colorado. Channel 272C2 can be allotted to Crawford consistent with the Commission's minimum distance separation requirements provided there is a site restriction of 20.9 kilometers (13 miles) southeast of the community. The reference coordinates for Channel 272C2 at Crawford are 38–32–05 North Latitude and 107–30–27 West Longitude. Station KVLE–FM license at Gunnison can be modified on Channel 299A at its current authorized transmitter site. The coordinates for Channel 299A at Gunnison are 38–33–53 NL and 106–55–38 WL. The new reference coordinates for vacant Channel 270C2 at Olathe are 38–26–25 NL and 108–09–47 WL. This site requires a site restriction 15.8 kilometers (9.8 miles) west of the community.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ Accordingly, 47 CFR part 73 is amended as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Crawford, Channel 272C2, and by removing Channel 272A and adding Channel 299A at Gunnison.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–22026 Filed 9–30–04; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. RSPA–99–6283 (HM–230)]

RIN 2137–AD40

Hazardous Materials Regulations; Compatibility With the Regulations of the International Atomic Energy Agency; Correction; Final Rule

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is correcting errors in a final rule in this docket, published in the **Federal Register** on September 13, 2004, that amended requirements in the Hazardous Materials Regulations (HMR) pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency (IAEA) publication, entitled ''IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material,'' 1996 Edition, No. TS–R–1.

DATES: *Effective Date:* This final rule is effective on October 1, 2004.

FOR FURTHER INFORMATION CONTACT: Dr. Fred D. Ferate II, Office of Hazardous Materials Technology, (202) 366–4545, or Charles E. Betts, Office of Hazardous Materials Standards, (202) 366–8553; Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On January 26, 2004, the Research and Special Programs Administration (RSPA, we) published a final rule under Docket HM–230 (69 FR 3632) amending requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the IAEA publication entitled ''IAEA Safety Standards Series: Regulations for the Safe Transport of Radioactive Material,'' 1996 Edition, No. TS–R–1. On September 13, 2004, we published a final rule (69 FR 55113) that made corrections to the January 26, 2004 final rule.

This document corrects editorial and technical errors in the September 13, 2004 final rule which have come to our attention.

II. Section-by-Section Review

Part 171

Section 171.11

In paragraph (d)(6)(i), we are correcting a typographical error.

Part 173

Section 173.403

In § 173.403, we are correcting certain inadvertent omissions in the definition for *''Low Specific Activity (LSA) material.''*

Section 173.411

Paragraph (b)(2)(ii) is corrected to retain the wording that currently appears in the HMR, which was inadvertently changed in the September 13, 2004 final rule.

Section 173.427

Paragraph (b)(4) is corrected to specify that, for domestic transportation, exclusive use shipment of Low Specific Activity (LSA) material and Surface Contaminated Object (SCO) must be less than an A_2 quantity when in a packaging which meets the requirements of §§ 173.24, 173.24a, and 173.410. The current wording specifies that the shipment must be less than or equal to an A_2 quantity.

III. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not a significant action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. This final rule is not a significant action under the Regulatory Policies and Procedures of the Department of Transportation. The revisions adopted in this final rule do not alter the cost-benefit analysis and conclusions contained in the Regulatory Evaluation prepared for the January 26, 2004 final rule. The Regulatory Evaluation is available for review in the public docket for this rulemaking.

B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This final rule preempts State, local and Indian tribe requirements, but does not propose any regulation that has direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5127, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(5) The design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

This final rule addresses the classification, packaging, marking, labeling, and handling of hazardous material, among other covered subjects and preempts any State, local, or Indian tribe requirements not meeting the ''substantively the same'' standard. This rule is necessary to incorporate changes already adopted in international standards. If the amendments adopted in this final rule were not made, U.S. companies, including numerous small entities competing in foreign markets, will be at an economic disadvantage. These companies would be forced to comply with a dual system of regulation. The amendments are intended to avoid this result.

Federal hazardous materials transportation law provides at 49 U.S.C. § 5125(b)(2) that, if the Secretary of Transportation issues a regulation concerning any of the covered subjects, the Secretary must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. The effective date of our January 26, 2004 final rule, including the effective date of Federal preemption is October 1, 2004. Because this final rule makes editorial corrections, the effective date of Federal preemption of this final rule is also October 1, 2004.

C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this final rule does not have tribal implications, does not impose substantial direct compliance costs on Indian tribal governments, and does not preempt tribal law, the funding and consultation requirements of Executive Order 13175 do not apply and a tribal summary impact statement is not required.

D. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Polices

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 a rule is not expected to have a significant economic impact on a substantial number of small entities. The corrections contained in this final rule will have little or no effect on the regulated industry. Based on the assessment in the regulatory evaluation, to the January 26, 2004 final rule, I hereby certify that, while this rule applies to a substantial number of small entities, there will not be a significant economic impact on those small entities. A detailed regulatory flexibility analysis prepared for the January 26, 2004 final rule is available for review in the docket.

This final rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

E. Paperwork Reduction Act

This final rule imposes no new information collection requirements.

F. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

G. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $120.7 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule.

H. Environmental Assessment

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321–4347), requires Federal agencies to consider the consequences of major federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. The Nuclear Regulatory Commission (NRC) prepared an environmental assessment (EA) of ''Major Revision to Packaging and Transportation of Radioactive Material Regulations,'' Final Report, March 2002, on its final rule which addresses issues also raised in this rulemaking. On the basis of this EA, we find that there are no significant environmental impacts associated with this final rule. A copy of the environmental assessment prepared by the NRC is available for review in the docket.

I. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

■ In consideration of the foregoing, we are making the following corrections to FR Doc. 04–20549, appearing on page 55113 in the **Federal Register** of Monday, September 13, 2004:

PART 171—[CORRECTED]

■ 1. On page 55116, in § 171.11, in paragraph (d)(6)(i), correct the reference ''§ 173.203(d)(10)'' to read ''§ 172.203(d)(10)''.

PART 173—[CORRECTED]

■ 2. On page 55116, in § 173.403, in the definition for ''*Low Specific Activity (LSA) material*,'' correct the introductory paragraph, and paragraphs (1)(iii), (3)(i) and (3)(ii) to read as follows:

§ 173.403 Definitions.

* * * * *

Low Specific Activity (LSA) material means Class 7 (radioactive) material with limited specific activity which satisfies the descriptions and limits set forth below. Shielding material surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

(1) * * *

(iii) Radioactive material other than fissile material, for which the A_2 value is unlimited; or

* * * * *

(3) * * *

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.);

(ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of Class 7 (radioactive) material per package by leaching when placed in water for seven days would not exceed 0.1 A_2; and

* * * * *

■ 3. On page 55117, in the first column, in § 173.411, correct paragraph (b)(2)(ii) to read as follows:

§ 173.411 Industrial packagings.

* * * * *

(b) * * *

(2) * * *

(ii) A significant increase in the radiation levels recorded or calculated at the external surfaces for the condition before the test.

* * * * *

■ 4. On page 55118, in the third column, in §173.427, correct paragraph (b)(4) to read as follows:

§ 173.427 Transport requirements for low specific activity (LSA) Class 7 (radioactive) materials and surface contaminated objects (SCO).

* * * * *

(b) * * *

(4) In a packaging which meets the requirements of §§ 173.24, 173.24a, and 173.410, but only for domestic transportation of an exclusive use shipment that is less than an A_2 quantity.

* * * * *

Issued in Washington, DC, on September 24, 2004 under authority delegated in 49 CFR Part 1.

Samuel G. Bonasso,

Deputy Administrator, Research and Special Programs Administration.

[FR Doc. 04–22145 Filed 9–30–04; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2004–19209]

RIN 2127–AJ18

Federal Motor Vehicle Safety Standards; Platform Lifts for Motor Vehicles, Platform Lift Installations in Motor Vehicles

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

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of the December 2002 final rule that established two new Federal motor vehicle safety standards, one for platform lifts and one for vehicles equipped with such lifts. The purpose of these standards is to prevent injuries and fatalities during lift operation. The agency received several petitions for reconsideration of the December 2002 final rule from platform lift manufacturers, vehicle manufacturers, and a transportation safety research organization. In response to these petitions, the agency is clarifying the applicability of the standards. This document also amends the definitions of certain operational functions, the requirements for lift lighting on public lifts, the interlock requirements, compliance procedures for lifts that manually deploy/stow, the environmental resistance requirements, the edge guard requirements, the wheelchair test device specifications, and the location requirements for public lift controls.

DATES: *Effective Dates:* The amendments in this rule are effective December 27, 2004.

Petitions: Petitions for reconsideration must be received by November 15, 2004, and should refer to this docket and the notice number of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact William Evans, Office of Crash Avoidance Standards, at (202) 366–2272.

For legal issues, you may contact Christopher Calamita, Office of Chief Counsel, at (202) 366–2992, and fax them at (202) 366–3820.

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

SUPPLEMENTARY INFORMATION:

I. Background

On December 27, 2002, the agency published in the **Federal Register** (67 FR 79416) a final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 403, *Platform lift systems for motor vehicles,* and FMVSS No. 404, *Platform lift installation on motor vehicles* (final rule), effective December 27, 2004. These two new standards provide practicable, performance based requirements and compliance procedures for the regulations promulgated by the DOT under the American with Disabilities Act [1] (ADA). FMVSS Nos. 403 and 404 provide that only lift systems that comply with objective safety requirements may be placed in service.

FMVSS No. 403 establishes requirements for platform lifts that are

[1] Pub. L. 101–336, 42 U.S.C. 12101, *et seq.* The ADA directed the DOT to issue regulations to implement the transportation vehicle provisions that pertain to vehicles used by the public. Titles II and III of the ADA set specific requirements for vehicles purchased by municipalities for use in fixed route bus systems and vehicles purchased by private entities for use in public transportation to provide a level of accessibility and usability for individuals with disabilities. 42 U.S.C. 12204.