

authorized to foreign nationals in an expired visa status. It is the responsibility of the exporter to ensure that, in the case of deemed exports, the foreign national maintains a valid U.S. visa, if required to hold a visa from the United States.

(c) *Reporting Requirement.* See § 743.1 of the EAR for reporting requirements for exports of certain items under this License Exception.

(d) *Foreign National Review (FNR) requirement for deemed exports.* (1) Submission requirement. Prior to disclosing eligible technology to a foreign national under this License Exception, you must submit a Foreign National Review (FNR) request to BIS, as required under § 748.8(s) of the EAR. Your FNR request must include information about the foreign national required under § 748.8(t) of the EAR and set forth in Supplement No. 2 of part 748 of the EAR.

(2) *Confirmation of eligibility.* You may not use License Exception CIV until you have obtained confirmation of eligibility by calling the System for Tracking Export License Applications (STELA), see § 750.5 for how to use STELA, or electronically from the Simplified Network Application Procedure (SNAP), see <http://www.bis.doc.gov/SNAP/index.htm> for more information about SNAP.

(3) *Action by BIS.* Within nine business days of the registration of the FNR request, BIS will refer the FNR request electronically, along with all necessary documentation for interagency review, or if necessary return the FNR request without action (e.g., if the information provided is incomplete). Processing time starts at the point at which the notification is registered into BIS's electronic system.

(4) *Review by other departments or agencies.* The Departments of Defense, State, Energy, and other agencies, as appropriate, may review the FNR request. Within 30 calendar days of receipt of the BIS referral, the reviewing agency will provide BIS with a recommendation either to approve or deny the FNR request. A reviewing agency that fails to provide a recommendation within 30 days shall be deemed to have no objection to the final decision of BIS.

(5) *Action on the FNR Request.* After the interagency review period, BIS will promptly notify the applicant regarding the FNR request, i.e., whether the FNR request is approved, denied, or more time is needed to consider the request.

**PART 774—[AMENDED]**

■ 3. The authority citation for part 774 continues to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 6, 2004, 69 FR 48763 (August 10, 2004).

■ 4. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E001 is amended by revising the “CIV” paragraph in the License Exceptions section, to read as follows:

3E001 “Technology” according to the General Technology Note for the “development” or “production” of equipment or materials controlled by 3A (except 3A292, 3A980, 3A981, 3A991 or 3A992), 3B (except 3B991 or 3B992) or 3C.

\* \* \* \* \*

**License Exceptions**

CIV: Yes for deemed exports, as described in § 734.2(b)(2)(ii) of the EAR, of technology for the development or production of microprocessor microcircuits, micro-computer microcircuits, and microcontroller microcircuits having the characteristics described in 3A001.a.3.c with a CTP less than or equal to 40,000 MTOPS (regardless of word length or access width). Deemed exports under License Exception CIV are subject to a Foreign National Review (FNR) requirement, see § 740.5 of the EAR for more information about the FNR. License Exception CIV does not apply to ECCN 3E001 technology for 3A001.a.3.c required for the development or production of other items controlled under ECCNs beginning with 3A, 3B, or 3C, or to ECCN 3E001 technology also controlled under ECCN 3E003.

TSR: \* \* \*

\* \* \* \* \*

■ 5. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E002 is amended by revising the “CIV” paragraph in the License Exceptions section, to read as follows:

3E002 “Technology” according to the General Technology Note other than that controlled in 3E001 for the “development” or “production” of “microprocessor microcircuits”, “micro-computer microcircuits” and microcontroller microcircuits having a “composite theoretical performance” (“CTP”) of 530 million theoretical operations per second (MTOPS) or more and an arithmetic logic unit with an access width of 32 bits or more.

\* \* \* \* \*

**License Exceptions**

CIV: Yes, for deemed exports, as described in § 734.2(b)(2)(ii) of the EAR, of “technology” for the “development” or “production” of general purpose microprocessors with a CTP less than or equal to 40,000 MTOPS (regardless of word length or access width). Deemed exports under License Exception CIV are subject to a Foreign National Review (FNR) requirement, see § 740.5 of the EAR for more information about the FNR. License Exception CIV does not apply to ECCN 3E002 technology also required for the development or production of items controlled under ECCNs beginning with 3A, 3B, or 3C, or to ECCN 3E002 technology also controlled under ECCN 3E003.

TSR: \* \* \*  
\* \* \* \* \*

Dated: October 28, 2004.

**Peter Lichtenbaum,**  
*Assistant Secretary for Export Administration.*

[FR Doc. 04–24680 Filed 11–4–04; 8:45 am]

BILLING CODE 3510–33–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD01–04–137]

**Drawbridge Operation Regulations: Connecticut River, CT**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Amtrak Old Saybrook-Old Lyme Bridge, mile 3.4, across the Connecticut River, Connecticut. This deviation from the regulations allows the bridge to remain closed from 10 p.m. on November 15, 2004 through 10 a.m. on November 16, 2004. This deviation is necessary in order to facilitate necessary electrical repairs at the bridge.

**DATES:** This deviation is effective from November 15, 2004 through November 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7195.

**SUPPLEMENTARY INFORMATION:** The Old Saybrook-Old Lyme Bridge, at mile 3.4 across the Connecticut River has a vertical clearance in the closed position of 19 feet at mean high water and 22 feet at mean low water. The existing

drawbridge operating regulations are listed at 33 CFR 117.205(b).

The owner of the bridge, Amtrak, requested a temporary deviation from the drawbridge operating regulations to facilitate electrical repairs at the bridge.

This deviation to the operating regulations allows the Old Saybrook-Old Lyme Bridge to remain closed from 10 p.m. on November 15, 2004 through 10 a.m. on November 16, 2004.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 20, 2004.

**John L. Grenier,**

*Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.*

[FR Doc. 04-24689 Filed 11-4-04; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA-2004-19523]

RIN 2127-AH75

### Federal Motor Vehicle Safety Standards; Rear Impact Guards

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

**ACTION:** Final rule.

**SUMMARY:** In 1996, the agency established standards for underride guards for trailers and semitrailers in order to reduce the risk to passenger vehicle occupants in crashes in which a passenger vehicle impacts the rear end of a trailer or semitrailer. In establishing these standards, the agency recognized that compliance with the requirements was not practicable for a small number of vehicles due to the presence of work-performing equipment mounted on the rear of a trailer or semitrailer. These vehicles are designated as "special purpose vehicles" and are excluded from the standard. Today's final rule amends the definition of "special purpose vehicle" by adding a precise description of the cubic area in which work-performing equipment must reside in or move through while a trailer is moving. We have also determined that the addition of those specifications eliminates the need to exclude expressly vehicles equipped with specific liftgate designs. Finally, we are amending the

requirements regarding the location of the rearmost surface of an impact guard as proposed.

**DATES:** *Effective date:* This final rule is effective November 5, 2004. Today's final rule clarifies the agency's original intent in excluding special purpose vehicles from the requirements of FMVSS No. 224. Today's document does not impact vehicles currently excluded from the underride guard requirements under FMVSS No. 224. This final rule provides additional objectivity to the application of the requirements, and we therefore, have determined it to be in the public interest for this final rule to be effective immediately.

*Petitions:* Petitions for reconsideration must be received by December 20, 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.

Note that all petitions received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under Rulemaking Analysis and Notices.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may contact Mike Huntley, Office of Crashworthiness Standards, at (202) 366-0029, and fax him at (202) 493-2739.

For legal issues, you may contact Christopher Calamita, Office of Chief Counsel, at (202) 366-2992, and fax him 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:

##### Table of Contents

- I. Background
  - A. Rear Impact Guard Standards
  - B. Petition for Rulemaking
  - C. Notice of Proposed Rulemaking
- II. Comments
- III. Final Rule
  - A. Special Purpose Vehicles
  - B. "Tuckunder Liftgates"
  - C. "Guard Rear Surface" and Trailer "Rear Extremity"
  - D. Impacted Vehicle Population
- IV. Effective Date

## I. Background

### A. Rear Impact Guard Standards

To address the problem of rear underride crashes, the agency established two Federal motor vehicle safety standards (FMVSSs), FMVSS No. 223, *Rear impact guards*, and FMVSS No. 224, *Rear impact protection* (61 FR 2004; January 24, 1996; Docket No. 1-11). A rear underride crash is a crash in which the front end of a passenger car, light truck, or multipurpose vehicle with a gross vehicle weight rating of 4,536 kilograms (10,000 lb) or less (referred to collectively as "passenger vehicles") collides with and slides under (*i.e.*, underrides) the rear end of a trailer or semitrailer (referred to collectively as "trailers"). Underride can potentially occur when a trailer chassis is higher than the hood of a passenger vehicle. In the worst cases, referred to as passenger compartment intrusion (PCI) crashes, the passenger vehicle underrides so far that the rear end of the trailer breaks the vehicle's windshield and enters its passenger compartment. PCI crashes generally result in injuries and fatalities to the passenger vehicle occupants due to their contact with the rear of the trailer. In 1996, when the underride guard standards were established, we estimated that about 11,551 rear-end crashes with trailers occurred annually, resulting in approximately 423 passenger vehicle occupant fatalities and about 5,030 non-fatal injuries.<sup>1</sup>

To reduce the number of injuries and fatalities resulting from rear underride crashes, the two Federal underride guard standards operate together. The first standard, FMVSS No. 223 (the "equipment standard"), specifies performance requirements that rear impact guards (guards) must meet before they can be installed on new trailers. The standard specifies strength requirements and test procedures that are used to demonstrate compliance with those requirements. The standard also requires equipment manufacturers to provide instructions on the proper installation of the guard and to permanently label the guard certifying that it meets all the performance requirements of the equipment standard.

The second standard, FMVSS No. 224 (the "vehicle standard") requires that most new trailers with a GVWR of 4,536

<sup>1</sup> In early 2005, the agency plans to begin a two-year data collection of crashes involving a passenger car, light truck and sport utility vehicle or van rear-ending a medium/heavy duty truck or heavy trailer. This information will be used to determine the effectiveness of the underride guard standards since they went into effect.