

(B) LINE C13B, COUNTRY OF ORIGIN CODE.

(1) Complete Line C13B only if Line C13A is coded A or B. Otherwise, leave Line C13B blank.

(2) Enter the code from FIPS PUB 10, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, that identifies the country where the foreign product is coming from or where the foreign company providing the services is located. If more than one foreign country is involved, enter the code of the foreign country with the largest dollar value of work under the contract.

\* \* \* \* \*

56. Section 253.213-70 is amended by revising paragraph (a)(2) to read as follows:

**253.213-70 Instructions for completion of DD Form 1155.**

(a) \* \* \*

(2) The contractor is located in the contiguous United States or Canada.

\* \* \* \* \*

**Appendix F to Chapter 2—Material Inspection and Receiving Report F-104 [Amended]**

57. Appendix F to Chapter 2 is amended in Part 1, Section F-104, as follows:

a. In paragraph (a)(5)(i) introductory text by removing "Continental United States" and adding in its place "Contiguous United States"; and

b. In paragraph (a)(5)(ii), in the first sentence, by removing "continental U.S." and adding in its place "contiguous United States".

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA-2002-12845]

RIN 2127-AH71

**Federal Motor Vehicle Safety Standards; Accelerator Control Systems**

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

**ACTION:** Withdrawal of rulemaking.

**SUMMARY:** In July 2002, NHTSA published an NPRM proposing to update Federal Motor Vehicle Safety Standard (FMVSS) No. 124, the agency's safety standard for vehicle accelerator

control systems, to make explicit its applicability to new types of engines and throttle controls, particularly electronic ones. The proposal included a number of new test procedures to address different types of powertrain technology. One of those test procedures involved measurement of engine speed under realistic powertrain load conditions on a chassis dynamometer. That procedure was "technology-neutral" and was included to allow testing of vehicles that could not readily be tested by one of the other procedures included in the proposal that were technology specific.

As discussed in this document, the agency is withdrawing the NPRM while it conducts further research on issues relating to chassis dynamometer-based test procedures for accelerator controls.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the NHTSA, 400 7th Street, SW., Washington, DC 20590.

For non-legal issues, you may call Mr. Michael Pyne, Office of Crash Avoidance Standards (Telephone: 202-366-2720) (Fax: 202-366-7002).

For legal issues, you may call Ms. Dorothy Nakama, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Federal Motor Vehicle Safety Standard (FMVSS) No. 124, *Accelerator Control Systems*, provides for safe control of engine power by a vehicle's driver-operated accelerator. For vehicles that are operating with their accelerator controls intact, FMVSS No. 124 requires the rapid return of the throttle to the idle position (within one second for light vehicles and two seconds for heavy vehicles) when the accelerator pedal is released. For vehicles that experience disconnections in the linkage between their accelerator pedals and throttling devices, FMVSS No. 124 requires return to idle in an equally rapid fashion. By virtue of FMVSS No. 124's requirements, drivers are ensured that releasing the accelerator pedal will prevent the engine from continuing to power the drive wheels at a level greater than the idle level, even if the accelerator linkage breaks.

New engine control technology such as "throttle-by-wire" systems have significantly changed the nature of accelerator control functions and failure modes. Throttle linkages have become less common, and now "disconnections" or "severances" as referred to in the standard could just as easily involve electrical wires as they could rods, levers, and cables. In

interpretation letters, NHTSA has stated that electrical wires and connectors in an electronic system are analogous to mechanical components in a traditional system and are therefore covered by FMVSS No. 124. However, complexity in electronic accelerator control systems is much greater than in mechanical ones, especially in terms of the powertrain responses that can result from failures in such systems.

In order to update FMVSS No. 124, NHTSA published a Request for Comments in 1995 (60 FR 60261) and, after consideration of comments received, issued an NPRM in 2002 (67 FR 48117).

The agency proposed that the standard specify explicitly the components and types of disconnections and severances to be covered in electronic accelerator control systems. NHTSA also proposed that the standard include new test procedures to better address different types of powertrains. A manufacturer could choose any one of the test procedures as a basis for compliance, and a "universal" chassis dynamometer test was included as a last resort in cases where the other procedures were inapplicable.

In making the proposal, NHTSA sought not to expand the scope of the existing Standard, but to merely clarify the standard's applicability to accelerator control systems associated with various powertrains including gasoline engines, diesel engines, electric motors, and hybrids. The new procedures in the proposal were all premised on return to a "baseline" idle condition measured on a normally operating vehicle, analogous to return of a throttle plate to the idle position.

The proposal included three technology specific test procedures plus a "universal" test procedure. The first of the proposed technology specific test procedures was essentially the existing air throttle plate position test of the current Standard, normally applicable to conventional gasoline engines. The second test procedure was measurement of fuel flow rate, normally applicable to diesel engines. The third test procedure was measurement of input current to a drive motor, applicable to electric vehicles. The last procedure was measurement of drivetrain output via engine speed, conducted on a chassis dynamometer. This was considered a universal test because it could be applied to gasoline, diesel, or electric vehicles.

**II. Reason for Withdrawal**

In commenting on the NPRM and in subsequent comments, the Alliance of

Automobile Manufacturers (Alliance) suggested that FMVSS No. 124 should include a direct measurement of powertrain output to the drive wheels.<sup>1,2</sup> The Alliance stated that this would be a “technology-neutral” test and, thus, would be similar to NHTSA’s proposed engine RPM test but with the advantage of being more easily applicable to hybrid powertrains in which engine RPM might not indicate drive torque. Subsequently, the Alliance suggested that the powertrain output test should measure vehicle driving speed, *i.e.*, “creep speed,” rather than output horsepower or torque.<sup>3</sup> Toyota suggested a similar approach, but requested that the agency consider a somewhat different creep speed test procedure.<sup>4</sup>

While the agency regards these suggestions merely as variations on the dynamometer-based engine rpm test as proposed in the NPRM, we believe that additional research on the exact procedures for the suggested test is desirable. In particular, the agency wants to conduct its own tests to provide additional support for the use of a dynamometer for measurement of powertrain output (or possibly creep speed measurements), and demonstrate the feasibility of conducting compliance tests for all suggested approaches.

In addition, the Alliance suggested that the agency include air flow rate measurement as another optional test procedure in FMVSS No. 124. Many vehicles already have mass air flow sensors that can monitor air flow rate. For vehicles with sensors, the test would measure the air flow rate during the failsafe response for comparisons to the baseline idle condition. NHTSA plans to conduct research on the suggested air flow rate test procedure and decide on the appropriateness of including it in FMVSS No. 124.

Given the time it will take to conduct research on some of the issues involved, NHTSA has decided not to continue an active rulemaking on this issue during that research. Therefore, NHTSA is withdrawing the rulemaking to update FMVSS No. 124.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued: November 4, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 229

[Docket No. 040903253–4253–01; I.D. 081104H]

RIN 0648–AR39

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan; Sea Turtle Conservation; Restrictions to Fishing Activities

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS is proposing to implement management measures to reduce the incidental mortality and serious injury (bycatch) of the western North Atlantic coastal bottlenose dolphin stock (dolphins) (*Tursiops truncatus*) in the mid-Atlantic coastal gillnet fishery and eight other coastal fisheries operating within the dolphin’s distributional range and to amend current, seasonal restrictions on large mesh gillnet fisheries operating in the mid-Atlantic region to reduce the incidental take of sea turtles in North Carolina and Virginia state waters. This rule proposes to use effort reduction measures, gear proximity rules, gear or gear deployment modifications, fishermen training, and outreach and education measures to reduce dolphin bycatch below the marine mammal stock’s potential biological removal level (PBR); and time/area closures and size restrictions on large mesh fisheries to reduce incidental takes of endangered and threatened sea turtles as well as to reduce dolphin bycatch below the stock’s PBR.

**DATES:** Written comments on the proposed rule must be received no later than 5 p.m. eastern time, on February 8, 2005.

**ADDRESSES:** You may submit comments, identified by the RIN 0648–AR39, by any of the following methods:

- E-mail: 0648–AR39.proposed@noaa.gov. Include Docket Number RIN 0648–AR39 in the subject line of the message.
- Mail: Chief, Protected Resources Division, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432.
- Facsimile (fax) to: 727–570–5517. Chief, Protected Resources Division,

NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432.

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Copies of the Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis (IRFA), the Bottlenose Dolphin Take Reduction Team (BDTRT) meeting summaries and progress reports and complete citations for all references used in this rulemaking may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Comments regarding the collection of information requirements contained in this proposed rule should be submitted in writing to the Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and to David Rostker, OMB, by e-mail at [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov) or by fax to 202–395–7285.

**FOR FURTHER INFORMATION CONTACT:**

Stacey Carlson, NMFS, Southeast Region, 727–570–5312, Kristy Long, NMFS, 301–713–2322, or Brian Hopper, NMFS, Northeast Region, 978–281–9328. Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:** NMFS intends to conduct two public hearings on this proposed rule. One hearing will be in conjunction with the next BDTRT meeting, which has not yet been scheduled but will occur during the comment period; and another in a location chosen to maximize participation of affected fishermen. NMFS will publish a separate notice detailing the time and location of the public hearings.

**Electronic Access**

For additional information on western North Atlantic coastal bottlenose dolphins, refer to the final 2002 Atlantic and Gulf of Mexico Marine Mammal Stock Assessment Reports (SARs). The SARs can be accessed via the Internet at [http://www.nmfs.noaa.gov/prot\\_res/](http://www.nmfs.noaa.gov/prot_res/)

<sup>1</sup> Docket NHTSA–2002–12845–10.

<sup>2</sup> Docket NHTSA–2002–12845–13.

<sup>3</sup> Docket NHTSA–2002–12845–15.

<sup>4</sup> Docket NHTSA–2002–12845–14.