

year while the Commission publishes notice and seeks comment may add unnecessary costs to the implementation of the standard. In addition, some companies will, if the Commission does not act immediately, file a quarterly filing using the new standard, potentially making comparisons of quarterly information more difficult for analysts and investors. Accordingly, in light of these concerns, the impending deadline and the other reasons discussed above, the Commission for good cause finds that providing notice and an opportunity for comment would be impracticable and contrary to the public interest.<sup>15</sup> In addition, for good cause and because implementing Statement No. 123R at the beginning of a fiscal year will relieve a restriction or obligation on registrants, the Commission's rule will be effective on April 21, 2005.<sup>16</sup>

The statutory basis for this amendment to Regulation S-X includes sections 3(a) and 108 of the Sarbanes-Oxley Act of 2002 and Schedule A and sections 7, 8, 10 and 19 of the Securities Act of 1933, sections 3, 10A, 12, 13, 14, 17 and 23 of the Securities Exchange Act of 1934, sections 5, 10, 14 and 20 of the Public Utility Holding Company Act of 1935 and sections 8, 30, 31, 32 and 38 of the Investment Company Act of 1940.

**List of Subjects**

17 CFR Part 210

Accountants, Accounting, Reporting and recordkeeping requirements, Securities.

17 CFR Part 228

Reporting and recordkeeping requirements, Securities.

**Text of Rule Amendments**

■ In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

<sup>15</sup> See Section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), which states that an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest." The Regulatory Flexibility Act ("RFA") is not applicable to the promulgation of the amendment because the RFA applies only when an agency must publish a general notice of proposed rulemaking for notice and comment and the Commission has determined that notice and comment are not required for this amendment. See 5 U.S.C. 603.

<sup>16</sup> 5 U.S.C. 553(d).

**PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975**

■ 1. The authority for part 210 continues to read as follows:

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z-2, 77z-3, 77aa(25), 77aa(26), 78c, 78j-1, 78l, 78m, 78n, 78o(d), 78q, 78u-5, 78w(a), 78ll, 78mm, 79e(b), 79j(a), 79n, 79t(a), 80a-8, 80a-20, 80a-29, 80a-30, 80a-31, 80a-37(a), 80b-3, 80b-11, 7202 and 7262, unless otherwise noted.

\* \* \* \* \*

■ 2. Section 210.4-01 is amended by removing the authority citation following the section and adding paragraph (a)(3) to read as follows:

**§ 210.4-01 Form, order, and terminology.**

(a) \* \* \*  
 (3)(i) Notwithstanding the effective dates set forth in Statement of Financial Accounting Standards No. 123 (revised 2004), *Share-Based Payment* ("Statement No. 123R"), financial statements shall be prepared in accordance with Statement No. 123R beginning with:

(A) The first interim or annual reporting period of the registrant's first fiscal year beginning on or after June 15, 2005, provided the registrant does not file as a small business issuer; and

(B) The first interim or annual reporting period of the registrant's first fiscal year beginning on or after December 15, 2005, provided the registrant files as a small business issuer.

(ii) For periods prior to the effective dates set forth in this paragraph, both Statement No. 123R and Statement of Financial Accounting Standards No. 123, *Accounting for Stock-Based Compensation* (October 1995), shall be considered to be generally accepted accounting principles.

\* \* \* \* \*

**PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS**

■ 3. The authority citation for Part 228 continues to read in part as follows:

**Authority:** 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z-2, 77z-3, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78l, 78m, 78n, 78o, 78u-5, 78w, 78ll, 78mm, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, and 7201 *et seq.*; and 18 U.S.C. 1350.

\* \* \* \* \*

■ 4. Section 228.310 is amended by adding Note 6 to read as follows:

**§ 228.310 (Item 310) Financial Statements.**

Notes:  
 \* \* \* \* \*

6. Rule 4-01(a)(3) of Regulation S-X, 17 CFR 210.4-01(a)(3), shall apply to the preparation of financial statements of small business issuers.

\* \* \* \* \*

By the Commission.  
 Dated: April 15, 2005.

**Margaret H. McFarland,**  
*Deputy Secretary.*  
 [FR Doc. 05-8013 Filed 4-20-05; 8:45 am]

**BILLING CODE 8010-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-7901-7]

**National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final Rule: Notice of Deletion of the Firestone Tire and Rubber Company Superfund Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) Region IX announces the deletion of the Firestone Tire and Rubber Company Superfund Site in Salinas, Monterey County, California from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA and the State of California, through the California Department of Toxic Substances Control (DTSC), have determined that the remedial action for the site has been successfully executed.

**DATES:** *Effective Date:* April 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Patricia Bowlin, Remedial Project Manager, U.S. EPA Region IX (SFD-7-3), 75 Hawthorne Street, San Francisco, CA 94105-3901, (415) 972-3177 or 1-800-231-3075.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the Firestone Tire and Rubber Company Superfund Site, Salinas, Monterey County, California. A Notice of Intent to Delete

for this Site was published in the **Federal Register** on February 14, 2005 (70 FR 7455). The closing date for comments on the Notice of Intent to Delete was March 16, 2005. No comments were received; therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies the sites that appear to present a significant risk to public health, welfare, or the environment, and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 11, 2005.

**Keith Takata,**

*Acting Regional Administrator, Region IX.*

■ For the reasons set out in this document, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

■ 2. Table 1 of Appendix B to Part 300 is amended under California (“CA”) by removing the site name “Firestone Tire & Rubber Co.” and the city “Salinas”

[FR Doc. 05–8024 Filed 4–20–05; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 575

[Docket No. 2005–21020]

#### Consumer Information; Uniform Tire Quality Grading Standards

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

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Uniform Tire Quality Grading Standards (UTQGS) contain detailed testing procedures for generating consumer information about the treadwear, traction, and temperature resistance of passenger car tires. To ensure the uniformity of treadwear grades, the grading procedures specify a 400-mile test course located near San Angelo, Texas. Two or four-vehicle convoys equipped with candidate tires travel along this course to evaluate the tire treadwear performance.

Because of flooding now affecting several water crossings along a small portion of the test course, NHTSA is issuing this interim final rule to revise the specified treadwear test course route. This change will not compromise the reliability of the treadwear grades, and will not impose or relax any substantive requirements or burdens on manufacturers.

**DATES:** This interim final rule becomes effective April 21, 2005.

Comments must be received by NHTSA not later than June 20, 2005, and should refer to this docket and the notice number of this document.

**ADDRESSES:** You may submit comments (identified by the DOT DMS Docket Number above) by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Web Site:** <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- **Fax:** 1–202–493–2251.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

- **Hand Delivery:** 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.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Request for Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Analyses 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 call George Gillespie, Office of Vehicle Safety Compliance. Telephone: (202) 366–5299. Fax: (202) 366–1024.

For legal issues, you may call George Feygin, Office of the Chief Counsel, at (202) 366–2992, facsimile (202) 366–3820.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. UTQGS and the Treadwear Test Course
- II. Change to the Treadwear Test Course
- III. Regulatory Analyses and Notices
- IV. Request for Comments

#### I. UTQGS and the Treadwear Test Course

UTQGS require motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. This information aids consumers in making informed choices in the purchase of replacement passenger car tires.

The treadwear grades inform consumers about the amount of expected tread life for passenger car tires. Treadwear grades are expressed, in multiples of 20, as a percentage of a nominal treadwear value of 100.<sup>1</sup> For example, a treadwear grade of 160 means the candidate tire tread life should be 1.6 times longer compared to NHTSA’s “control tire.”<sup>2</sup> Although treadwear grades do not predict the actual mileage that a particular tire will

<sup>1</sup> See 49 CFR 575.104(e)(2)(ix)(F).

<sup>2</sup> See <http://www.safercar.gov/Tires/pages/TireRatTreadwear.htm>.