

involving tariffs and tariff-related matters.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The General Services Administration certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the majority of small entities that are in the industry were established as a result of deregulation and are not subject to the utility rate commissions. Also, this is intended to be a clarification of existing law, not a substantive change. A Final Regulatory Flexibility Act Analysis was, therefore, not performed.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C.3501, *et seq.*

List of Subjects in 48 CFR Parts 533 and 552

Government procurement.

Dated: December 27, 2004.

David A. Drabkin,

Senior Procurement Executive, Office of the Chief Acquisition Officer.

■ Therefore, GSA amends 48 CFR parts 533 and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 533 and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 533—PROTESTS, DISPUTES, AND APPEALS

■ 2. Add section 533.215 to read as follows:

533.215 Contract clause.

Insert the clause at 552.233–71, Disputes (Utility Contracts), in solicitations and contracts for utility services subject to the jurisdiction and regulation of a utility rate commission.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. Add section 552.233–71 to read as follows:

552.233–71 Disputes (Utility Contracts).

As prescribed in 533.215, insert the following clause:

DISPUTES (UTILITY CONTRACTS) (JAN 2005)

The requirements of the Disputes clause at FAR 52.233–1 are supplemented to provide that matters involving the interpretation of tariffed retail rates, tariff rate schedules, and tariffed terms provided under this contract are subject to the jurisdiction and regulation of the utility rate commission having jurisdiction.

(End of clause)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2004–19939]

RIN 2127–AI54

Tire Safety Information; Technical Amendment

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

ACTION: Final rule; technical amendment.

SUMMARY: This document contains a technical amendment to the Federal motor vehicle safety standard (FMVSS) No. 119, *New pneumatic tires for vehicles other than passenger cars*. Specifically, the amendment changes the metric value of tire speed restriction threshold from 88 km/h (55 mph) to 90 km/h (55 mph). The amendment will make FMVSS No. 119 more consistent with established tire industry protocol and labeling technology, without making any substantive changes to the standard.

DATES: This rule is effective February 3, 2005.

FOR FURTHER INFORMATION CONTACT: For legal issues: Mr. George Feygin, Office of Chief Counsel (telephone: (202) 366–2992) (Fax: (202) 366–3820); NHTSA, 400 7th Street, SW., Washington, DC 20590. For technical issues: Mr. Joseph Scott, Office of Crash Avoidance Standards, (telephone: (202) 366–2720) (Fax: (202) 366–7002); NHTSA, 400 7th Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: FMVSS No. 119 specifies performance requirements for tires used on motor vehicles other than passenger cars, and requires certain markings on tires to facilitate proper selection and use. S6.5(e) requires that a tire be marked with a speed restriction information if the maximum speed is below 88 km/h (55 mph). Further, Table III contains a reference to speed-restricted tires with the maximum speed of 88 km/h (55 mph).

Within the tire industry, the metric value of the tire speed restriction threshold is 90 km/h instead of 88 km/h. Also, the English value of the tire speed restriction threshold is sometimes listed at 56 mph, instead of 55 mph. The industry uses speed rating symbols to differentiate among the tires with various maximum speed capabilities. The speed symbol of “G” is associated with tires with a maximum speed of 90 km/h. The discrepancy between 88 km/h and 90 km/h, as well as 55 mph and 56 mph is the result of using different methods of converting the English speed measurements to the metric system and vice versa.

The Tire and Rim Association Inc., has petitioned NHTSA to change the speed restriction threshold from 88 km/h to 90 km/h and from 55 mph to 56 mph. They argued that this change would make FMVSS No. 119 more consistent with established tire industry protocol and labeling technology, and would facilitate international harmonization.

The agency decided to amend only the metric value of tire speed restriction threshold from 88 km/h to 90 km/h. The English value will remain at 55 mph because we found that majority of tire industry literature lists the speed restriction threshold at 55 mph (90 km/h) instead of 56 mph (90 km/h).¹ Thus, 55 mph appears to be generally accepted within the industry.

We believe that the discrepancy between the metric values of the speed restriction threshold currently used by the agency and the one used by the majority of industry publications result from different methods of converting 55 mph to km/h. We note that the change from 88 km/h to 90 km/h will have no substantive practical effect on FMVSS No. 119 because the difference between the two values is so insignificant.

¹ See 2004 Year Book: The Tire and Rim Association, Inc., at page 3–06. The Japan Automobile Tyre Manufacturers Association, Inc. (JATMA), the European Tyre and Rim Technical Organization (ETRTO), and the Scandinavian Tire & Rim Organization (STRO) also rely on 90 km/h as the speed restriction threshold.

In consideration of the foregoing, this document amends the CFR by changing the metric value of tire speed restriction threshold in S6.5(e) and Table III from 88 km/h to 90 km/h.

This technical amendment will not impose or relax any substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice and opportunity for comment on these correcting amendments are not necessary.

List of Subjects in 49 CFR Part 571

Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ 49 CFR part 571 is amended by making the following technical amendment:

PART 571—[CORRECTED]

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

Authority: 49 U.S.C. 322, 2011, 30115, 30166 and 30177; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.119 is amended by revising paragraph S6.5(e) to read as follows; and amending Table III, under the column "Description", by revising "88 km/h" to read "90 km/h".

§ 571.119 New pneumatic tires for vehicles other than passenger cars.

* * * * *

(e) The speed restriction of the tire, if 90 km/h (55 mph) or less, shown as follows:

Max speed __ km/h (__ mph).

* * * * *

Issued: December 20, 2004.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05-41 Filed 1-3-05; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 041104307-4356-02; I.D. 102904B]

RIN 0648-AS56

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Seasonal Closure of Grammanik Bank

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

ACTION: Temporary final rule.

SUMMARY: NMFS issues this temporary final rule to implement interim measures recommended by the Caribbean Fishery Management Council (Council). This rule prohibits fishing for or possessing any species of fish, except highly migratory species, within the Grammanik Bank closed area on a temporary basis (see **DATES**). The intended effect of this rule is to protect a yellowfin grouper spawning aggregation and to reduce overfishing.

DATES: This temporary final rule is effective February 1, 2005, through April 30, 2005.

ADDRESSES: Copies of documents supporting this action may be obtained from NMFS, Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Joe Kimmel, 727-570-5752.

SUPPLEMENTARY INFORMATION: The reef fish fishery of Puerto Rico and of the U.S. Virgin Islands is managed under the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and of the U.S. Virgin Islands (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On November 16, 2004, NMFS published a proposed rule (69 FR 67104) to implement the interim measures specified in this temporary final rule as requested by the Caribbean Fishery Management Council for Grammanik Bank and to request comments on the proposed actions. The rationale for the interim measures is provided in the preamble to the proposed rule and is not repeated here. No public comments were received during the comment period on the proposed rule. Therefore, the proposed rule is adopted as final.

Classification

The Administrator, Southeast Region, NMFS, determined that the interim measures that this temporary final rule implements are necessary for the conservation and management of the yellowfin grouper fishery in the Caribbean and that they are consistent with the Magnuson-Stevens Act and other applicable laws.

This temporary final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared a final regulatory flexibility analysis (FRFA). The FRFA incorporates the initial regulatory

flexibility analysis (IRFA) and a summary of the analyses completed to support the action. No public comments were received on the economic impacts of this rule. A summary of the analysis follows.

The rule is intended to protect an important spawning aggregation of yellowfin grouper, to help arrest the decline in the resource, and to support its recovery. The Magnuson-Stevens Act, as amended, provides the statutory basis for the rule.

The rule is intended to implement, on an interim basis, an action currently included in the draft Sustainable Fisheries Act (SFA) Amendment. The SFA Amendment is expected to be implemented prior to the 2006 fishing year. This rule will be an interim action providing protection to an important yellowfin grouper spawning aggregation during the 2005 spawning season and will expire prior to the implementation of the SFA Amendment. No duplicate, overlapping, or conflicting rules have been identified.

No issues were raised by public comments in response to the IRFA. Therefore, no changes were made in the FRFA.

There are two general classes of small business entities that will be directly affected by the rule: commercial fishing vessels and for-hire fishing vessels. The Small Business Administration defines a small business that engages in commercial fishing as a firm that is independently owned and operated, that is not dominant in its field of operation, and that has annual receipts up to \$3.5 million per year. The revenue benchmark for a small business that engages in charter fishing is a firm with receipts up to \$6.0 million.

There are an estimated 342 registered commercial fishing vessels in the U.S. Virgin Islands. The majority of participants are part-time fishermen. Total annual average dockside revenues from commercial fishing activity are estimated at \$1.72 million, or an average of \$5,000 per registered vessel. Given the average revenue estimates of the fleet, all commercial entities are determined to be small business entities. It cannot be precisely determined how many of the commercial vessels that operate in the U.S. Virgin Islands would be affected by the rule, though the rule will apply to all commercial fishing vessels. NMFS assumes that indirect impacts would be incurred industry-wide, and that all the commercial fishing entities that will be affected by the rule are small entities.

An estimated 27 year-round charter fishing operations operate in the U.S. Virgin Islands, with an unknown