

Dated: January 20, 2004.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, Security, & Environmental Protection.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-03-018]

RIN 1625-AA00

#### Security and Safety Zone: Protection of Large Passenger Vessels, Puget Sound, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; notice of enforcement.

**SUMMARY:** The Captain of the Port Puget Sound will begin, on February 8, 2004, enforcing the Large Passenger Vessel Security and Safety Zones that were published in the **Federal Register** on January 14, 2004. The zones provide for the security and safety of large passenger vessels in the navigable waters of Puget Sound and adjacent waters. These security and safety zones will be enforced until further notice.

**DATES:** 33 CFR 165.1317 will be enforced commencing February 8, 2004.

**FOR FURTHER INFORMATION CONTACT:** LTjg T. Thayer, c/o Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217-6200 or (800) 688-6664 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On January 14, 2004, the Coast Guard published a final rule (69 FR 2066) establishing regulations in 33 CFR 165.1317 for the security and safety of large passenger vessels in the navigable waters of Puget Sound and adjacent waters, Washington. These security and safety zones provide for the regulation of vessel traffic in the vicinity of certain large passenger vessels (as defined by the final rule) and exclude persons and vessels from the immediate vicinity of these large passenger vessels. Entry into these zones is prohibited unless otherwise exempted or excluded under the final rule or unless authorized by the Captain of the Port or his designee. The Captain of the Port Puget Sound will begin enforcing the Large Passenger Vessel Safety and Security Zones established in 33 CFR 165.1317 on February 8, 2004.

The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone.

Dated: December 10, 2003.

**Danny Ellis,**

*Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.*

[FR Doc. 04-1613 Filed 1-26-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 03-16476; Notice 2]

RIN No. 2127-AJ30

#### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

**ACTION:** Final rule, partial response to petitions for reconsideration.

**SUMMARY:** This final rule temporarily permits compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant crash protection*, according to the test procedures of that standard prior to the amendments made by the November 19, 2003, final rule.<sup>1</sup> This document amends FMVSS No. 208 through the adoption of FMVSS 208a, which contains these "old" test procedures. This final rule permits the certification of motor vehicles under the "old" test procedures until August 31, 2004.

The agency received seven petitions for reconsideration of the November 2003 final rule, requesting that NHTSA consider modifying certain requirements of the amended FMVSS No. 208. Specifically, petitioners asked that the agency reconsider: The seat positioning procedures for the barrier tests, low risk deployment tests, and other test procedures; the test procedure for positioning the left foot of the 5th percentile adult female test dummy (barrier test); the "chin on rim" low risk deployment test procedure; the dummy positioning procedure for the head-on-instrument panel low risk deployment test with the 6-year-old test dummy; the definition of Plane C and D in the dummy positioning procedure for low risk deployment; and the effective date and content of Appendix A.

Petitioners have indicated that compliance with the amended

requirements of FMVSS No. 208, prior to resolution of petitions for reconsideration, would cause substantial economic hardship because certification testing for the model year 2004 fleet has completed. This rulemaking partially responds to the petitions for reconsideration by permitting manufacturers to temporarily certify vehicles according to the test procedures required prior to the effective date of the November 2003 final rule.

**DATES:** This final rule becomes effective on January 27, 2004.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues, you may call Louis Molino, Office of Crashworthiness Standards, at (202) 366-2264, facsimile (202) 366-4329.

For legal issues, you may contact Chris Calamita, Office of the Chief Counsel, at (202) 366-2992, facsimile (202) 366-3820.

#### SUPPLEMENTARY INFORMATION:

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#### I. Background

FMVSS No. 208 specifies the performance requirements for the protection of vehicle occupants in crashes. On November 19, 2003, the agency published a final rule that responded, in part, to petitions for reconsideration of the amendments to detailed seat and dummy positioning procedures we made in December 2001 to our May 2000 Advanced Air Bag Rule. In particular, we amended portions of FMVSS No. 208 regarding seat positioning procedures when using the 5th percentile adult female test dummy in the barrier test and the low risk deployment test; when using the 3-year-old and 6-year-old test dummies in the low risk deployment test; the fore and aft seat location for rear facing child restraint systems (RFCRSs); and the seat track position for the low risk deployment test. We also responded to petitions for reconsideration regarding test dummy positioning procedure issues, specifically those addressing foot positioning of the 5th percentile adult female test dummy; positioning out-of-position test dummies; and positioning of test dummy hands. The November 2003 final rule amended the definitions of "Plane C" and "Plane D" as they relate to test dummy positioning, Point 1 under the low risk deployment tests, and addressed other reference points and definitions. The November 2003 final rule also amended the list of child

<sup>1</sup> See, 68 **Federal Register** 65179.