

create confusion for both the public and HHS with respect to enforcement during this period. Thus, HHS hereby extends the expiration date of subpart E by one year. This action is being taken under HHS's authority at 42 U.S.C. 1302(a) and 1320d-6.

Notwithstanding this extension, HHS fully expects to issue the final rule that will result from the forthcoming rulemaking as soon as possible rather than at or near the new September 16, 2005 expiration date. However, a one-year extension should provide HHS with a period sufficient to avoid another extension, should unexpected circumstances delay the regulatory development process.

The Administrative Procedure Act generally requires agencies to provide advance notice and an opportunity to comment on agency rulemakings. However, there are certain exceptions to this requirement. As the preamble to the April 17, 2003 interim final rule explained, subpart E sets out—

the procedures for provision by the agency of the statutorily required notice and hearing and procedures for issuing administrative subpoenas. Such provisions are exempted from the requirement for notice-and-comment rulemaking under the "rules of agency \* \* \* procedure, or practice" exemption at 5 U.S.C. 553(b)(3)(A).

68 FR 18897. Since this regulatory action does no more than extend the effectiveness of a rule that itself was not required to be issued through notice-and-comment rulemaking, the extension of the rule likewise comes within the exemption of 5 U.S.C. 553(b)(3)(A). Accordingly, we do not request comment on the extension.

We have also determined that good cause exists to waive the requirement of publication 30 days in advance of the rule's effective date under 5 U.S.C. 553(d)(3). Since subpart E is already in effect, no useful purpose would be served in delaying the effective date of this action, as those entities who are subject to subpart E are already on notice of its terms. Making this extension effective on less than 30 days notice accordingly will not impose a burden upon anyone. In addition, to the extent that a delayed effective date occasioned a hiatus in the effectiveness of subpart E, it could cause the confusion that the extension seeks to avoid. Accordingly, we find good cause under 5 U.S.C. 553(d)(3) for not delaying the effective date of this action.

#### *B. Review Under Procedural Statutes and Executive Orders*

We have reviewed this final rule under the following statutes and executive orders governing rulemaking

procedures: the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*; Executive Order 12866 (Regulatory Planning and Review), as amended by Executive Order 13258; and Executive Order 13132 (Federalism). Since this rule merely extends the expiration date of subpart E, the information in the compliance statements that we published on April 17, 2003 with the existing rule continues to apply.

#### **List of Subjects in 45 CFR Part 160**

Administrative practice and procedure, Computer technology, Electronic transactions, Employer benefit plan, Health, Health care, Health facilities, Health insurance, Health records, Hospitals, Investigations, Medicaid, Medical research, Medicare, Penalties, Privacy, Reporting and record keeping requirements, Security.

Dated: August 6, 2004.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 04-20842 Filed 9-13-04; 10:15 am]

**BILLING CODE 4120-01-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 1 and 25**

[IB Docket No. 02-34; FCC 04-92]

#### **Space Station Licensing Rules and Policies**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, announcement of effective date.

**SUMMARY:** The Commission adopted rule revisions to extend mandatory electronic filing to all satellite and earth station applications. Certain rules contained new or modified information requirements and were published in the **Federal Register** on August 6, 2004. This document announces the effective date of these published rules. 47 CFR 25.110, 25.114, 25.115, 25.116, 25.117, 25.118(a), 25.130, 25.131, 25.154. **DATES:** The revisions to §§ 25.110, 25.114, 25.115, 25.116, 25.117, 25.118(a), 25.130, 25.131, and 25.154, published at 69 FR 47790, August 6, 2004, became effective August 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Steven Spaeth, Satellite Division, International Bureau, at (202) 418-1539.

**SUPPLEMENTARY INFORMATION:** On August 24, 2004, the Office of Management and Budget (OMB) approved the information collection requirement contained in §§ 25.110, 25.114, 25.115, 25.116, 25.117, 25.118(a), 25.130, 25.131, and 25.154, pursuant to OMB Control No. 3060-0678.

Accordingly, the information collection requirement contained in these rules became effective on August 24, 2004.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-20786 Filed 9-14-04; 8:45 am]

**BILLING CODE 6712-01-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 22 and 24**

[WT Docket No. 01-108; DA 04-2590]

#### **Year 2000 Biennial Regulatory Review—Amendment of Part 22 of the Commission's Rules To Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** The Federal Communications Commission published in the **Federal Register** of April 1, 2004, a document relating to the resolution of Petitions for Reconsideration filed in the Commission's part 22 Cellular Biennial Regulatory Review proceeding in WT Docket No. 01-108, which incorrectly indicated that a new or modified information collection exists that requires approval by the Office of Management and Budget ("OMB"), and contained an incorrect DATES section. The effective date for the document (69 FR 17063) is corrected to read: **DATES:** Effective June 1, 2004. This document corrects the **DATES** section of the April 1, 2004 document.

**DATES:** Effective June 1, 2004.

#### **FOR FURTHER INFORMATION CONTACT:**

Linda C. Chang, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th St., Washington, DC 20554, (202) 418-0620.

**SUPPLEMENTARY INFORMATION:** The FCC published a document in the **Federal Register** of April 1, 2004, (69 FR 17063) relating to the resolution of petitions for reconsiderations filed in the Commission's Part 22 Cellular Biennial

Regulatory Review proceeding. In FR Doc. 04-6822, published in the **Federal Register** of April 1, 2004, the document incorrectly indicated that a new or modified information collection exists that requires approval by the Office of Management and Budget ("OMB"), and contained an incorrect **DATES** section. This document corrects the **DATES** section to read: **DATES**: Effective June 1, 2004.

Dated: September 9, 2004.

Linda C. Chang,

Associate Division Chief, Mobility Division.

[FR Doc. 04-20784 Filed 9-14-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 04-2670; MM Docket No. 02-335; RM-10545]

#### Radio Broadcasting Services; Coopersville, Hart and Pentwater, MI

**AGENCY**: Federal Communications Commission.

**ACTION**: Final rule.

**SUMMARY**: This document denies a Petition for Reconsideration filed by Fort Bend Broadcasting Company directed to the *Report and Order* in this proceeding. See 69 FR 8334, February 24, 2004. With this action, the proceeding is terminated.

**DATES**: Effective September 15, 2004.

**FOR FURTHER INFORMATION CONTACT**: Robert Hayne, Media Bureau (202) 418-2177.

**SUPPLEMENTARY INFORMATION**: This is a synopsis of the *Memorandum Opinion and Order* in MB Docket No. 02-335 adopted September 1, 2004, and released September 3, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or [www.BCPIWEB.com](http://www.BCPIWEB.com). The Commission will not send a copy of this *Memorandum Opinion and Order* pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because this document denied the petition for reconsideration.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04-20788 Filed 9-14-04; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 2004-19032]

RIN 2127-AG36

#### Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems

**AGENCY**: National Highway Traffic Safety Administration, DOT.

**ACTION**: Final rule.

**SUMMARY**: This final rule amends our standard for power-operated windows, partitions, and roof panel systems to require that switches for these windows and other items in new motor vehicles be resistant to accidental actuation that causes those items to begin to close. The purpose of this amendment is to reduce the number of injuries and fatalities to people, especially children, that occur when they unintentionally close those power-operated items on themselves by accidentally leaning against or kneeling or standing on the switch or when other occupants accidentally actuate the switch in that manner.

There are simple, effective and inexpensive manufacturing solutions that vehicle manufacturers can use to meet the requirements of this final rule. Vehicle manufacturers could comply by shielding or recessing their switches or by designing them so that pressing on them in the manner described above will not cause these windows and other items to begin to close.

Although they need not do so, manufacturers may choose instead to address the problem through the use of more advanced technology. Manufacturers that install power-operated windows, partitions or roof panel systems meeting the automatic reversal requirements of the standard need not comply with the requirements of this final rule.

In this document, the agency is also denying two petitions for rulemaking requesting that the agency require power windows in new vehicles to be equipped with an automatic reversal system or other anti-entrapment feature.

**DATES**: *Effective Date*: The amendment made in this final rule is effective November 15, 2004.

*Compliance Date*: This final rule becomes mandatory for all vehicles manufactured for sale in the U.S. on or after October 1, 2008. Voluntary compliance is permitted before that date.

*Petitions*: If you wish to submit a petition for reconsideration for this rule, your petition must be received by November 1, 2004.

**ADDRESSES**: Petitions for reconsideration should refer to the docket number above and be submitted to: Administrator, Room 5220, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

See the **SUPPLEMENTARY INFORMATION** portion of this document (Section X; Rulemaking Analyses and Notice) for DOT's Privacy Act Statement regarding documents submitted to the agency's dockets.

**FOR FURTHER INFORMATION CONTACT**: For non-legal issues, you may call Mr. Michael Pyne, Office of Crash Avoidance Standards (Telephone: 202-366-2720) (Fax: 202-366-4329).

For legal issues, you may call Mr. Eric Stas, Office of the Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

You may send mail to these officials at National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

- I. Executive Summary
- II. Background
  - A. Requirements of FMVSS No. 118
  - B. Power Window Switches in Motor Vehicles
- III. Petitions for Rulemaking
  - A. The Moore Petition
  - B. The Little Petition
  - C. Center for Auto Safety Petition
- IV. Notice of Proposed Rulemaking and Public Comments
  - A. The NPRM
  - B. Public Comments on the NPRM
- V. Post-Comment Period Developments
- VI. Summary of the Safety Problem
- VII. The Final Rule
  - A. Decision To Move to Final Rule
  - B. Summary of the Requirements
  - C. Effectiveness of New Switch Requirements
  - D. Test Device and Methodology
  - E. Orientation and Placement of Switches
  - F. Automatic Reversal
- VIII. Denial of Petitions for Rulemaking
- IX. Methods of Compliance
- X. Lead Time and Compliance Date
- XI. Benefits
- XII. Costs
- XIII. Rulemaking Analyses and Notices