

or a similar form containing the information required in paragraph (c)(14)(ii) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery in order to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>.

\* \* \* \* \*

(e) \* \* \*

(5) \* \* \*

(vi) The requirements in paragraphs (c)(1) through (c)(5), and (c)(7) through (c)(14) of this section apply to refresher training providers.

\* \* \* \* \*

■ 4. Section 745.227 is amended by revising paragraph (e)(4) to read as follows:

**§ 745.227 Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities.**

\* \* \* \* \*

(e) \* \* \*

(4) A certified firm must notify EPA of lead-based paint abatement activities as follows:

(i) Except as provided in paragraph (e)(4)(ii) of this section, EPA must be notified prior to conducting lead-based paint abatement activities. The original notification must be received by EPA at least 5 business days before the start date of any lead-based paint abatement activities.

(ii) Notification for lead-based paint abatement activities required in response to an elevated blood lead level (EBL) determination, or Federal, State, Tribal, or local emergency abatement order should be received by EPA as early as possible before, but must be received no later than the start date of the lead-based paint abatement activities. Should the start date and/or location provided to EPA change, an updated notification must be received by EPA on or before the start date provided to EPA. Documentation showing evidence of an EBL determination or a copy of the Federal/State/Tribal/local emergency abatement order must be included in the written notification to take advantage of this abbreviated notification period.

(iii) Except as provided in paragraph (e)(4)(ii) of this section, updated notification must be provided to EPA for lead-based paint abatement activities that will begin on a date other than the

start date specified in the original notification, as follows:

(A) For lead-based paint abatement activities beginning prior to the start date provided to EPA an updated notification must be received by EPA at least 5 business days before the new start date included in the notification.

(B) For lead-based paint abatement activities beginning after the start date provided to EPA an updated notification must be received by EPA on or before the start date provided to EPA.

(iv) Except as provided in paragraph (e)(4)(ii) of this section, updated notification must be provided to EPA for any change in location of lead-based paint abatement activities at least 5 business days prior to the start date provided to EPA.

(v) Updated notification must be provided to EPA when lead-based paint abatement activities are canceled, or when there are other significant changes including, but not limited to, when the square footage or acreage to be abated changes by more than 20%. This updated notification must be received by EPA on or before the start date provided to EPA, or if work has already begun, within 24 hours of the change.

(vi) The following must be included in each notification:

(A) Notification type (original, updated, cancellation).

(B) Date when lead-based paint abatement activities will start.

(C) Date when lead-based paint abatement activities will end (approximation using best professional judgement).

(D) Firm's name, EPA certification number, address, telephone number.

(E) Type of building (e.g., single family dwelling, multi-family dwelling, child-occupied facilities) on/in which abatement work will be performed.

(F) Property name (if applicable).

(G) Property address including apartment or unit number(s) (if applicable) for abatement work.

(H) Documentation showing evidence of an EBL determination or a copy of the Federal/State/Tribal/local emergency abatement order, if using the abbreviated time period as described in paragraph (e)(4)(ii) of this section.

(I) Name and EPA certification number of the project supervisor.

(J) Approximate square footage/acreage to be abated.

(K) Brief description of abatement activities to be performed.

(L) Name, title, and signature of the representative of the certified firm who prepared the notification.

(vii) Notification must be accomplished using any of the following methods: Written notification, or

electronically using the Agency's Central Data Exchange (CDX). Written notification can be accomplished using either the sample form titled "Notification of Lead-Based Paint Abatement Activities" or similar form containing the information required in paragraph (e)(4)(vi) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery in order to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD(5323), or on the Internet at <http://www.epa.gov/lead>.

(viii) Lead-based paint abatement activities shall not begin on a date, or at a location other than that specified in either an original or updated notification, in the event of changes to the original notification.

(ix) No firm or individual shall engage in lead-based paint abatement activities, as defined in § 745.223, prior to notifying EPA of such activities according to the requirements of this paragraph.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 2004-17471]

### Federal Motor Vehicle Safety Standards; Rearview Mirrors Correction

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

**ACTION:** Correcting amendment.

**SUMMARY:** On March 27, 1995, the National Highway Traffic Safety Administration (NHTSA) published a final rule amending the field of view requirements for System A mirrors on school buses, such that those mirrors will no longer be required to provide a view of the ground forward of the rear wheels (60 FR 15690). Previously, System A mirrors were required to provide a view of the area beneath those mirrors, a view that overlapped with the vehicle's System B mirrors, which are also required. The effective date of the amendment was April 26, 1995.

However, this new language was later inadvertently modified in two later, substantively unrelated amendments.

This document corrects NHTSA's inadvertent modification of the relevant regulatory language.

**DATES:** These amendments are effective May 10, 2004.

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

For non-legal issues, you may call Mr. Charles Hott, Office of Crash Avoidance Standards (Telephone: 202-366-0247) (Fax: 202-366-4329).

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

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard (FMVSS) No. 111, *Rearview Mirrors*, specifies requirements for the performance and location of rearview mirrors on passenger cars, multipurpose passenger vehicles, trucks, buses, school buses, and motorcycles. The purpose of the standard is to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear.

On March 27, 1995, the agency amended paragraphs S9.2(b)(1) and (2) of FMVSS No. 111 to change the field of view requirements of System A mirrors on school buses, which provide a view of the area beneath those mirrors, along both sides of the bus, and to the rear of the bus (60 FR 15690). Under the final rule, System A mirrors were no longer required to provide a view of the ground forward of the rear wheels, because this field of view overlaps with that provided by the bus's required System B mirrors, which provide a view of the area around the front of the school bus and near the rear wheels. The intention was to modify the standard's existing requirements such that school bus manufacturers would no longer have to install either an additional convex mirror, which creates a larger blind spot for the driver, or replace the existing convex mirror with a highly curved convex mirror that produces more distorted images.

In 1998, NHTSA published two final rules related to metric conversion that, in part, amended FMVSS No. 111, but which inadvertently resulted in unintended modification of the standard's field of view requirements for school buses. In the final rule for metric conversion, published in the **Federal Register** on May 27, 1998, language was mistakenly inserted under paragraphs

S9.2(b)(1) and (2) of the standard that would require measurement from the mirror surface, rather than maintaining proper focus on measurement from the appropriate test cylinder (63 FR 28922). Subsequently, NHTSA published a final rule; response to petitions for reconsideration in the **Federal Register** on September 24, 1998 (63 FR 50995). In attempting to correct an unrelated error brought to the agency's attention, a modification intended for paragraph S9.3(b)(2) was inadvertently inserted at S9.2(b)(2).

In light of the above, NHTSA is publishing this correcting amendment to reinstate the appropriate regulatory language for field of view measurement for System A mirrors on school buses, consistent with both the March 27, 1995 final rule modifying FMVSS No. 111 and the 1998 final rules for metric conversion. We also are making the necessary correction to S9.3(b)(2).

This amendment to the final rule is effective 30 days after the date of publication in the **Federal Register**. Remedying this error on the part of the agency will not impose any additional substantive requirements or burdens on manufacturers. Therefore, NHTSA finds for good cause that any notice of proposed rulemaking and opportunity for comment on these amendments are not necessary.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ Accordingly, 49 CFR Part 571 is corrected by making the following correcting amendment:

■ 1. The authority citation for Part 571 of Title 49 continues to read as follows:

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

■ 2. Section 571.111 is amended by revising S9.2 and S9.3 to read as follows:

##### § 571.111 Standard No. 111; Rearview mirrors.

\* \* \* \* \*

S9.2. System A shall be located with stable supports so that the portion of the system on the bus's left side, and the portion on its right side, each:

(a) Includes at least one mirror of unit magnification with not less than 323 cm<sup>2</sup> of reflective surface; and

(b) Includes one or more mirrors which together provide, at the driver's eye location, a view of:

(1) For the mirror system on the right side of the bus, the entire top surface of cylinder N in Figure 2, and that area of the ground which extends rearward from cylinder N to a point not less than 61 meters from the mirror surface.

(2) For the mirror system on the left side of the bus, the entire top surface of cylinder M in Figure 2, and that area of the ground which extends rearward from cylinder M to a point not less than 61 meters from the mirror surface.

S9.3(a) For each of the cylinders A through P whose entire top surface is not directly visible from the driver's eye location, System B shall provide, at that location:

(1) A view of the entire top surface of that cylinder.

(2) A view of the ground that overlaps with the view of the ground provided by System A.

(b) Each mirror installed in compliance with S9.3(a) shall meet the following requirements:

(1) Each mirror shall have a projected area of at least 258 cm<sup>2</sup>, as measured on a plane at a right angle to the mirror's axis.

(2) Each mirror shall be located such that the distance from the center point of the eye location of a 25th percentile adult female seated in the driver's seat to the center of the mirror shall be at least 95 cm.

(3) Each mirror shall have no discontinuities in the slope of the surface of the mirror.

(4) Each mirror shall be installed with a stable support.

(c) Each school bus which has a mirror installed in compliance with S9.3(a) that has an average radius of curvature of less than 889 mm, as determined under S12, shall have a label visible to the seated driver. The label shall be printed in a type face and color that are clear and conspicuous. The label shall state the following:

"USE CROSS VIEW MIRRORS TO VIEW PEDESTRIANS WHILE BUS IS STOPPED. DO NOT USE THESE MIRRORS TO VIEW TRAFFIC WHILE BUS IS MOVING. IMAGES IN SUCH MIRRORS DO NOT ACCURATELY SHOW ANOTHER VEHICLE'S LOCATION."

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Issued: April 2, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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