

### Extension of CSXT Software Testing Requirement

On June 28, 2001, in Notice No. 11, FRA granted CSXT a relief period from the implementation schedule specified in the Order. During this relief period, which expired on September 16, 2001, CSXT was expected to test new Amtrak operational software on three CSXT ACSES-equipped locomotives. The testing's purpose was to help CSXT adapt Amtrak's control software system to the needs of freight service. CSXT was then required to monitor the performance of these locomotives for mechanical and operational problems and, once the software had been approved, to install the approved software on the remaining CSXT locomotives.

The production, delivery and testing of the software have been delayed, and the relief period for CSXT must be extended. FRA is therefore extending the date by which CSXT must complete software testing to March 16, 2002 since Amtrak is still in the process of developing its new operational software.

Other than the extension for software testing explained above, the temporary operating protocols specified in Notice No. 11 remain in effect without change. Including this amendment, FRA has granted five requests for relief from the Order's original timetable. FRA therefore expects all affected parties to commit fully to the extended deadlines set out in the amended implementation schedule. Any additional requests for relief must be thoroughly documented and justified.

Issued in Washington, DC on November 9, 2001.

Allan Rutter,

*Federal Railroad Administrator.*

[FR Doc. 01-28731 Filed 11-15-01; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8591; Notice 2]

### Bridgestone/Firestone, Inc., Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety

Bridgestone/Firestone, Inc. (Firestone), has determined that approximately 33,000 P235/75R15 Widetrack Wintertrax tires produced in its Sao Paulo, Brazil plant and 1,400 P235/75R15 Lemans A/T tires produced in its Decatur, Illinois plant do not meet the labeling requirements mandated by

Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Firestone petitioned for a determination that the noncompliance, in each case, is inconsequential to motor vehicle safety and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published in the **Federal Register**, with a 30-day comment period, on Monday, January 22, 2001 (66 FR 6757). NHTSA received one comment on this application from Public Citizen, a consumer advocacy organization.

The 33,000 P235/75R15 Widetrack Wintertrax tires produced from April 2000 through October 2000, in the Sao Paulo, Brazil plant do not comply with paragraph S4.2.1(c), which specifies tire load ratings for the various tire sizes. According to Firestone, the maximum load rating is mislabeled on the affected tires. The actual marking was: Max Load 650 Kg (1433 lbs.) @ 300 Kpa (44 psi). The correct marking should have been: Max Load 920 Kg (2028 lbs.) @ 300 Kpa (44 psi). Paragraph S4.2.1 (c) essentially requires that the maximum load rating of a tire meet or exceed the maximum load rating for that particular tire size, which is published in designated documents. In the case of the P235/75R15 Widetrack Wintertrax tires, the maximum load molded into the tire is less than the published maximum load for tires of this size.

The Decatur plant produced 1,400 P235/75R15 Lemans A/T tires during DOT weeks 36, 37 and 38 of the year 2000 that do not comply with FMVSS No. 109, paragraph S4.3.4 (a), which specifies the maximum inflation pressure labeling requirements. The maximum inflation pressure (English units only) of the affected tires was mismarked on the sidewall opposite the DOT serial number. The DOT serial number is generally mounted on the inboard side of the tire away from the customer. The actual marking was 340 Kpa (41 psi) and the correct marking should have been 340 Kpa (50 psi).

The comment submitted to the docket by Public Citizen is a report entitled "Spinning Their Wheels: How Ford and Firestone Fail to Justify the Limited Tire Recall." The report did not address the issues raised by Firestone in its application for decision of inconsequential noncompliance and was not a factor in the agency's decisions.

With regard to the 33,000 P235/75R15 Widetrack Wintertrax tires, the agency believes that the true measure of inconsequentiality to motor vehicle

safety is the effect of the noncompliance on the operational safety of vehicles on which these tires are mounted.

According to Firestone, the tires meet all other FMVSS No. 109 performance and labeling requirements. The maximum load rating molded into the tires is actually less than the correct load rating for the tires. Therefore, it is not likely that these tires would be placed in an unsafe, overload situation as a result of the noncompliant labeling. If consumers rely on the labeling, they will put far less of a load on the tire than it is capable of carrying. This presents no safety concern.

The agency considers the true measure of inconsequentiality with respect to the 1,400 P235/75R15 Lemans A/T tires to be the effect of the noncompliance on the operational safety of vehicles on which the tires are mounted. According to Firestone, these tires meet all other FMVSS No. 109 performance and labeling requirements. In this case, the tire maximum inflation pressure was mismarked in English units on one side of the tire, the side that is generally mounted outboard toward the customer. However, the maximum inflation pressure is correctly labeled in metric units on both sides of the tire. The correct maximum inflation pressure for these tires is greater than the mismarked maximum inflation pressure. Therefore, it is not likely that the tires would be placed in an unsafe, over-inflated situation as a result of this noncompliance. With regard to under-inflation, a document in which tire and rim information is published entitled "Tire Guide, Complete Tire and Wheel Information for Cars and Trucks," was reviewed. The correct tire inflation pressure data is the data provided by the manufacturer of the vehicle on which the tires are mounted. This information is provided in the owner's manual, on the vehicle certification label, and on the tire information label, if applicable. Based on the data in the document, an inflation pressure of 41 psi or less is recommended by vehicle manufacturers for P235/75R15 tires. Therefore, if consumers inflate these tires to the inflation pressure marked on the tires, 41 psi, the tires would not be under-inflated. Again, no adverse safety consequences result from this mislabeling.

In consideration of the foregoing, NHTSA has decided that the applicant has met the 1 burden of persuasion that the noncompliance with FMVSS No. 109, S4.2.1 and the noncompliance with FMVSS No. 109, S4.3.4, are inconsequential to motor vehicle safety. Accordingly, Firestone's application is granted and the applicant is exempted

from providing the notification of the noncompliance that would be required by 49 U.S.C. 30118, and from remedying the noncompliance, as would be required by 49 U.S.C. 30120. (49 U.S.C. 30118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: November 9, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-28675 Filed 11-15-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34002]

#### **Alamo North Texas Railroad Corporation—Construction and Operation Exemption—Wise County, TX**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction and operation by Alamo North Texas Railroad Corporation of a 2.25-mile line of railroad in Wise County, TX.

**DATES:** The exemption will not become effective until the environmental review process is completed. Once that process is completed, the Board will issue a further decision addressing the environmental matters and establishing an exemption effective date at that time, if appropriate. Petitions to reopen must be filed by December 6, 2001.

**ADDRESSES:** Send pleadings, referring to STB Finance Docket No. 34002, to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001; and (2) Richard Allen, Zuckert Scoutt & Rasenberger, L.L.P., 888 Seventeenth Street, NW., Washington, DC 20006-3309.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da 2 Da Legal, Room 405, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 293-7776. [TDD for the hearing impaired: 1-800-877-8339.]

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Decided: November 8, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-28657 Filed 11-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34069]

#### **Central Montana Rail, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company**

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Central Montana Rail, Inc. (CMR) over BNSF's lines between milepost 134.4 and milepost 134.57, in the vicinity of Mocassin, MT, a distance of 0.17 miles.

The parties reported that they intended to consummate the transaction as soon as practicable under this exemption. The earliest the transaction could have been consummated was November 5, 2001, the effective date of the exemption (7 days after the notice of exemption was filed).<sup>1</sup> The temporary trackage rights are to allow CMR to serve the United Harvest grain elevator located at milepost 134.4 until such time that CMR can construct its own track.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34069 must be filed with the

<sup>1</sup> On October 29, 2001, CMR concurrently filed a petition for exemption in STB Finance Docket No. 34069 (Sub-No. 1), *Central Montana Rail, Inc.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, wherein CMR requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on January 1, 2003. That petition will be addressed by the Board in a separate decision.

Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Tammy Wyatt-Shaw, Esq., Phillips & Bohyer, P.C., P.O. Box 8569, Missoula, MT 59807.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: November 7, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-28656 Filed 11-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket No. 34040]

#### **Riverview Trenton Railroad Company—Acquisition and Operation—In Wayne County, MI**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of extended comment period.

**SUMMARY:** The Riverview Trenton Railroad Company (RTRR) has petitioned the Surface Transportation Board (Board) for authority to acquire and operate a rail line approximately 1.5 miles in length in Wayne County, Michigan, to serve a proposed intermodal facility. The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) for public review and comment on this project on October 15, 2001. Comments were originally due by November 14, 2001. Due to recent events involving a principal postal facility in Washington, DC, timely receipt of materials mailed to the Board has been disrupted. The Board has therefore decided to extend the comment period until November 26, 2001. SEA requests that individuals filing comments, as well as individuals who have previously filed comments regarding this EA, take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact prior to the close of the comment period and inform them that you have mailed a comment.

2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.

3. Retain a copy of your comment for your records should alternative modes of delivery be necessary.