

likely be built with 24-inch diameter iron pipe on a 20- to 50-foot wide right-of-way, and require at least one pressure booster station. The Northeast Mississippi district withdraws its water from a diversion of the Tennessee-Tombigbee Waterway, and currently has sufficient capacity to supply Union County/New Albany. The Northeast Mississippi district would eventually have to expand its treatment plant to meet the future needs of Union County/New Albany.

Under Alternative 4: Additional Groundwater Sources, Union County and the City of New Albany would rely on groundwater to meet future demand, and construct additional wells and pipeline connections. The locations of additional wells are unknown at this time; some would likely be in the vicinity of existing wells and others would be likely be near new large water supply users such as industries. If additional well fields were required, they would likely be south and west and New Albany.

#### Decision

Union County and the City of New Albany have chosen Alternative 2: Multipurpose Reservoir because it would ensure an adequate water supply and provide the greatest range of supplemental benefits, including recreation and limited flood control. TVA has chosen the Alternate 1 route for the transmission line that would be relocated from the reservoir basin area. In the Final EIS, Union County and the City of New Albany identified Alternative 2 as their preferred water supply alternative, and TVA identified Alternate 1 as its preferred transmission line route. TVA will take this action when and if Union County and the City of New Albany obtain funding to complete the reservoir project, obtain necessary permits, and make appropriate financial arrangements with TVA to move the line. In addition, the TVA Board of Directors would have to authorize the abandonment of the existing transmission line right-of-way.

#### Environmentally Preferred Alternative

Section 2.6 of the Final EIS ranked the alternatives by their potential environmental impacts. Alternative 1: No Action would result in the lowest level of environmental impacts. This alternative would not, however, allow Union County and the City of New Albany to meet their projected water supply needs. Of the two action alternatives that would meet the projected water supply needs without greatly reducing groundwater levels, Alternative 3: Pipeline from Existing

Supply would have fewer environmental impacts than Alternative 2: Multipurpose Reservoir.

Of the alternative actions available to TVA, namely the two alternate routes for the transmission line relocation, the Alternate 1 route is environmentally preferable. It would affect fewer landowners, cross fewer streams, and result in less forest clearing than the Alternate 2 route. The Alternate 2 route, however, would result in less conversion of forest wetlands to scrub-shrub wetlands.

#### Public Comments on the Final EIS

Comments on the Final EIS were received from the U.S. Environmental Protection Agency, the U.S. Department of Interior, and the Mississippi State Department of Health. Most of the comments addressed issues related to the operation of the reservoir proposed under Alternative 2. At the time the Final EIS was published, detailed information on shoreline ownership and management, water levels, downstream flow, water withdrawals, and other operational characteristics of the reservoir was not available from Union County and the City of New Albany. TVA anticipates these issues will be addressed during the permitting process.

#### Environmental Consequences and Commitments

The construction and operation of the multipurpose reservoir under Alternative 2 would result in the inundation of 960 acres of land along Cane Creek and changes to stream ecology resulting from impoundment. With the implementation of appropriate mitigation measures, many of which will be developed during the permitting process, the adverse environmental impacts of Alternative 2 are expected to be insignificant.

TVA has adopted the following mitigation measures pertaining to its construction and operation of the transmission line:

- Prior to initiation of construction activities, TVA will conduct an archaeological survey of the right-of-way. Adverse effects to archaeological resources potentially eligible for listing on the National Register of Historic Places would likely be avoided by slight changes in the location of the line or individual structures. If this avoidance is impracticable, adverse effects will be resolved pursuant to regulations (36 CFR 800) implementing Section 106 of the National Historic Preservation Act.
- All construction and maintenance activities will utilize applicable Best Management Practices. Construction

activities will also adhere to the Right-of-Way Clearing Specifications and Environmental Quality Protection Specifications for Transmission Line Construction listed in Appendix B-1 of the Final EIS. These list requirements for protecting sensitive areas, water and air quality, reducing noise, and disposing of wastes.

- Wetlands will be avoided to the extent practicable. Identified wetlands, streams, and drainage ways will not be modified so as to alter their natural hydrological patterns during transmission line clearing, construction, and maintenance. Hydric soils will not be disturbed or modified in any way that would alter their hydrological properties.

- Initial right-of-way clearing within forested wetlands will be accomplished using accepted silvicultural practices for timber/vegetation harvesting within wetlands.

- Within streams, riparian zones, and wetlands, trees will be cut close to ground level and stumps will not be uprooted or removed.

- Transmission line maintenance using mechanical means in areas surrounding or adjacent to identified wetlands will only be conducted during seasonal dry periods, usually late summer or early fall, and will be accomplished without the use of heavy equipment.

- Any herbicide applications would be by licensed personnel and use EPA-registered herbicides.

Dated: August 2, 2001.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. 01-19947 Filed 8-8-01; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Alternate Means of Compliance; JAR 22, Change 5

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability.

**SUMMARY:** This document announces the availability of an alternate means of compliance for glider stall speed requirements. The FAA certifies gliders under 14 CFR part 21, § 21.17. Guidance found in AC 21.17-2A states that one acceptable criterion for glider certification is Joint Airworthiness Regulation (JAR) 22, which is the European standard for gliders. JAR 22, Change 5 (JAR 22.49(b)(2)) defines the

requirements for stall speed. This alternate means of compliance allows the Rollanden-Schneider Flugzeugbau GmbH Model LS-8 glider to be type certificated with a higher stalling speed because the Model LS-8 has compensating features.

*Discussion:* On July 9, 2001, an alternate means of compliance, Finding No. ACE-01-05, was issued for the Model LS-8 glider. We have determined that this same alternate means would be usable by other glider manufacturers following adequate FAA review. Therefore, we are making this alternate means available to all glider manufacturers for their use.

**ADDRESSES:** Copies of alternate means of compliance Finding No. ACE-01-05, may be requested from the following: Small Airplane Directorate, Standards Office (ACE-110), Aircraft Certification Office, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, MO 64106. The alternate means of compliance is also available on the Internet at the following address <http://www.faa.gov/avr/air/ace/acehome.htm>.

**FOR FURTHER INFORMATION CONTACT:** Lowell Foster, Federal Aviation Administration, Small Airplane Directorate, ACE-111, Room 301, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329-4125; fax 816-329-3047; e-mail: Lowell.Foster@faa.gov.

Issued in Kansas City, Missouri, on July 30, 2001.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8461; Notice 2]

#### Continental General Tire, Inc., Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety

Continental General Tire, Inc., (Continental) has determined that approximately 3,187 P255/70R16 Ameri\*660 AS passenger car tires 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), Continental petitioned for a determination that this noncompliance 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, with a 30-day comment period, on December 15, 2000, in the **Federal Register** (65 FR 78530). NHTSA received two comments on this application, one from General Motors (GM) and one from Advocates for Highway and Auto Safety (Advocates).

FMVSS No. 109, paragraph S4.3 (e), requires that each tire shall have permanently molded into or onto both sidewalls the actual number of plies in the sidewall, and the actual number of plies in the tread area, if different. According to Continental, the noncompliance relates to a specific mold, number 33460, which ran for the production period of June 14, 2000 through July 29, 2000 with an incorrect side plate on the bottom or inboard sidewall. This side plate was not changed from a previous production run in which the tire construction was different. The stamping at the rim line read: Tread 6 plies: 2 Steel + 2 Polyester + 2 Nylon. It should have read: Tread: 4 Plies: 2 Steel + 2 Polyester.

The P255/70R16 General Ameri\*660 AS primarily is supplied to General Motors (GM) for original equipment pickup truck application. According to Continental, 1,550 of the 3,187 tires manufactured with this noncompliance were not released, 1,555 were provided to GM for original equipment on pickup trucks, and 82 tires were sold as replacements.

Continental stated in its petition that all molded labeling items on the letter white (LW), outboard sidewall, including the tire construction information, are correct. The incorrect tire construction information would be on the bottom or inboard (non-customer) sidewall. Continental believes that no unsafe conditions would result from the noncompliance.

GM supported granting the petition, stating that it understood that approximately 1,555 of the 3,187 tires manufactured with this noncompliance were shipped to it for installation on pickup trucks. GM repeated the assertion by Continental that the tires would be mounted on the vehicles with the LW or customer side mounted outboard and would likely maintain in that configuration through the life of the tire. GM also stated that all the labeling information required by FMVSS No. 109 is correctly marked on the LW side of the tires.

Advocates commented that, as a result of the events in the summer of 2000 involving tire failure and sport utility vehicles, the agency must view all applications for inconsequential

noncompliance regarding incorrect tire labeling with increased scrutiny. Advocates further stated that the agency must consider whether these incorrect markings are relied upon by tire dealers or customers in the selling or purchasing of the tires. Additionally, according to Advocates, aftermarket tires may be mounted on rims with the LW side inboard exposing the incorrect tire construction information, which is a potential source of confusion.

The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act of November 2000 required, among other things, that the agency initiate rulemaking to improve tire label information. In response to section 11 of the TREAD Act, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222). The ANPRM sought comments on the tire labeling information required by 49 CFR 571.109 and part 119, part 567, part 574, and part 575. The agency received more than 20 comments. Most of the comments were from motor vehicle and tire manufacturers, although several private citizens and consumer interest organizations responded to the ANPRM. With regard to the tire construction labeling requirements of FMVSS 109, S4.3 (d) and (e), most comments indicated that the information was of little or no safety value to consumers. However, the tire construction information is valuable to the tire retread, repair, and recycling industries, according to several trade groups representing tire manufacturing. The International Tire and Rubber Association, Inc. (ITRA) indicated that the tire construction information is used by tire technicians to determine the steel content of a tire and to select proper retread, repair, and recycling procedures.

In addition to the written comments solicited by the ANPRM, the agency conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire information beyond the tire brand name, tire size, and tire pressure.

Based on the information obtained from comments to the ANPRM and the consumer focus groups, we concur that it is likely that few consumers are influenced by the tire construction information (number of plies and cord material in the sidewall and tread plies) when making a motor vehicle or tire purchase decision.