

questions into an agenda form more efficiently.

Sample format:

- I. Rulemaking
  - A. Crash avoidance
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  - C. Other Rulemakings
- II. Consumer Information
- III. Miscellaneous

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts, brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB Friday, November 9, 2001.

Issued: August 20, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-10382; Notice 1]

#### International Truck and Engine Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

International Truck and Engine Corporation (International) of Fort Wayne, Indiana, has determined that approximately 801 vehicles produced from January 1, 1986, through January 16, 2001, are noncompliant with paragraphs 5.1.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), International has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

International built 801 vehicles with 295/75R22.5 tires mounted on 7.50-inch wide rims. Paragraph S5.1.1 of FMVSS No. 120 requires that vehicles be equipped with rims that are listed as

suitable for use with the tires that are mounted on them in accordance with paragraph S5.1 of FMVSS No. 119, "New Pneumatic Tires for Vehicles other than Passenger Cars." Paragraph S 5.1 of FMVSS No. 119 requires that a listing of the dimensions of the rims that may be used with each tire be provided to the public. This requirement is met if the information concerning tire and rim size matching is published in "The Tire and Rim Association, Inc." (T&RA) Yearbook. According to T&RA, the approved rim widths for the 295/75/R22.5 tires are 8.25-9.00 inches.

International states that the T&RA approved rim widths are based on an engineering guideline that the rim width should be 70 to 80 percent of the tire section width. It also cites a statement in the T&RA Yearbook that the effect of using rims of different than the design rim width is to change the tire section width by 0.1 inch for each 0.25 inch change in rim width. Consequently the 7.5 inch rim width is 67 percent of the reduced tire section width of 11.13 inches. International concludes that the 7.5 inch rim width provides 95 percent of the recommended rim width for the tire.

The petitioner has corrected its tire wheel assembly instruction charts and, as of January 17, 2001, no longer produces this noncompliant tire and wheel combination.

International states that the noncompliance of the 295/75R22.5 tires being mounted on the 7.5" wheel is inconsequential as it relates to motor vehicle safety for the following reasons:

1. International customers have operated vehicles of various model types for 15 years, with this combination of tire and wheel, with no reported problems.

2. International has corrected its tire wheel assembly instruction charts and as of 1/17/01, will no longer produce this non-compliant tire and wheel combination.

3. Many of these vehicles may have likely gone through several tire replacement cycles without reported problems.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket and notice number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC, 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials,

and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, a notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: September 24, 2001.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: August 20, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[DOCKET No. NHTSA-01-10411; NOTICE 1]

#### Reliance Trailer Company, LLC ; Receipt of Application for Decision of Inconsequential Noncompliance

Reliance Trailer Company, LLC, of Spokane, Washington, determined that 26 of its dump body trailers failed to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 224, "Rear Impact Protection," and has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 "Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety. Reliance has filed an appropriate report of noncompliance pursuant to 49 CFR Part 573 "Defects and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

On May 29, 2001, Reliance filed a petition for inconsequential noncompliance after it determined that 26 dump body trailers it manufactured may not comply with FMVSS No. 224, "because their wheels were located farther ahead of the 12" wheels back dimension."

#### Description of Noncompliance and Reasons of Exemption

Reliance stated:

We are a small, Pacific Northwest, custom trailer manufacturer (LLC in Washington State) with a small (38 person) operation, in Western Washington, that builds aggregate hauling equipment for road building and construction industries.

### 1. FMVSS 224 Compliance Problems

Asphalt laydown equipment have hoppers into which our vehicle dumps the hot mix and the various types require our rear axles to be set ahead of the trailer rear 16"-18." This location is farther than the 12" "wheels back" measurement, so an under-ride device should be installed. However, any device behind the tires will interfere with this operation unless it can be moved out of the way when this dumping takes place.

Currently, no one has been able to get paver manufacturers to revise, or users to retrofit all their equipment so the under-ride could be accommodated. Additionally, no vehicle manufacturer has come up with a reasonably durable, cost effective, movable guard that is not too heavy, too expensive to maintain.

### 2. Competitors' Exemption

Docket #NHTSA-98-3848, Notice 2, Grant of Petition

Docket #NHTSA-98-3848, Notice 3, Petition for Renewal

Docket #NHTSA-98-3848, Notice 4, Grant of Petition

Beall Trailers of Washington, Inc. was granted an exemption. All the details in those dockets are similar to ours and we compete with them directly for this type of business.

### 3. Similar "Paver" Exemption

Docket #NHTSA-2001-8827 Notice 2, Grant of Petition

Dan Hill and Associates, Inc. and Red River Manufacturing, Inc. received an exemption published April 18, 2001, which expires April, 2003, for trailers those two competitors build. They have similar interference problems with paving equipment. Their experiences in designing and constructing guards, that will work, show how difficult this is.

### 4. Vehicle Use and Exposure on Highways

Very small quantities of these vehicles are built each year. Typical hauls are short and have minimal amount of time traveling on highways compared with most freight trailers.

Asphalt batch plants are typically set up close to the paving activities so vehicles spend little time traveling on roads to the paving site. Often, special temporary access, off highways, is provided for paving operations, which also diminishes the exposure for these vehicles.

We know of no rear end collisions, involving injuries, with this type of trailer.

### 5. Under-ride Guard and Research Activities

We are beginning a review of paving equipment that these trailers mate with to determine if they can be retrofitted or modified to accommodate trailers with tires located within 12" of the rear. With this survey, we will determine how a fixed rear guard interferes and what requirements will be necessary for swing up or retractable guards.

Based on this, Reliance will aggressively proceed to design, build, test and provide prototypes to determine the feasibility and usefulness of these devices.

Hot asphalt build-up on any moving parts may require frequent cleaning or

maintenance and will need to be analyzed carefully so these devices will work.

Frequent impacts, while contacting the paver, are a serious consideration that can affect the integrity of the guard.

Based upon the foregoing, we are asking to be granted an Exemption for Inconsequential Noncompliance.

Separately, Reliance submitted a Petition for a Temporary Exemption from FMVSS No. 224 (66 FR 36989).

Interested persons are invited to submit written data, views and arguments on the petition of Reliance, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, National Highway Traffic Safety Administration, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent practicable. When the application is granted or denied, a notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* September 24, 2001.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: August 20, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 596X)]

#### CSX Transportation, Inc.— Abandonment Exemption—in Lorain County, OH

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.17-mile line of railroad between milepost BJ-161.00 and milepost BJ-162.17 in Lorain, Lorain County, OH. The line traverses United States Postal Service Zip Code 44052.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there has been no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local

government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 25, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 4, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 13, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to CSXT's representative: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).