

**ACTION:** Notice of RTCA Special Committee 193/EUROCAE Working Group 44 meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 193/EUROCAE Working Group 44: Terrain and Airport Databases.

**DATES:** The meeting will be held December 3–7, 2001 from 9 am–5 pm.

**ADDRESSES:** The meeting will be held at FAA National Aeronautical Charting Organization (NACO), NOAA Bldg., SSMC–2, Room 2358, 1305 East-West Highway, Silver Spring, MD.

**FOR FURTHER INFORMATION CONTACT:** RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; web. site <http://WWW.rtca.org>.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act Pub. L. 92–463, 5 U.S.C., appendix 2), notice is hereby given for a Special Committee 193/EUROCAE Working Group 44 meeting. The agenda will include:

- December 3:
- Opening Plenary Session (Welcome and Introductory Remarks, Review/Approval of Meeting Agenda, Review Summary of Previous Meeting)
- Presentations/Discussions of formation of new Subgroup 4 (Database Exchange Format); Introduction of new Subgroup 4 Chairman
- Subgroup 2 (Terrain and Obstacle Databases):
- Review past minutes and actions; Presentations; Review of draft document; Begin Final Review and Comment (FRAC) process for Standards for Terrain and Obstacle Databases document.
- Subgroup 4 (Database Exchange Format):
- Begin new subgroup 4; Establish goals and objectives for new subgroup; Start work on new document.
- December 4, 5, 6:
- Subgroups 2 and 4 continue discussions
- Plenary Forms:
- Complete FRAC process and achieve plenary consensus for the Standards for Terrain and Obstacle Database document.
- December 7:
- Closing Plenary Session (Summary of Subgroups 2 and 4 meetings; Assign Tasks, Other Business, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability.

With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 9, 2001.

**Janice L. Peterson,**

*FAA Special Assistant, RTCA Advisory Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

**[Docket No. FRA 2001–9972; Formerly FRA Docket No. 87–2, Notice No. 12]**

**RIN 2130–AB20**

### Automatic Train Control (ATC) and Advanced Civil Speed Enforcement System (ACSES); Northeast Corridor (NEC) Railroads

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Amendment to Order of Particular Applicability Requiring ACSES Between New Haven, Connecticut and Boston, Massachusetts—Extension of Time Within Which CSX Transportation (CSXT) is Required to Complete Software Testing.

**SUMMARY:** FRA amends its Order of Particular Applicability requiring all trains operating on the Northeast Corridor (NEC) between New Haven, Connecticut and Boston, Massachusetts (NEC—North End) to be equipped to respond to the new Advanced Civil Speed Enforcement System (ACSES) system. This amendment extends the date by which CSXT must complete testing of new Amtrak operational software on three CSXT ACSES-equipped locomotives from September 16, 2001, to March 16, 2002. This action is necessary because of delays in the development of the software, which will be used to support more efficient operations.

**DATES:** The amendments to the Order are effective November 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** W. E. Goodman, Staff Director, Signal and Train Control Division, Office of Safety, Mail Stop 25, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 ((202) 493–6325); Paul Weber, Railroad

Safety Specialist, Signal and Train Control Division, Office of Safety, Mail Stop 25, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 ((202) 493–6258); or Patricia V. Sun, Office of Chief Counsel, Mail Stop 10, 1120 Vermont Avenue, NW., Washington, DC 20590 ((202) 493–6038).

For instructions on how to use this system, visit the Docket Management System Web Site and click on the “Help” menu. This docket is also available for inspection or copying at room PL–401 on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590–0001, during regular business hours.

**SUPPLEMENTARY INFORMATION:** The Order of Particular Applicability, as published on July 22, 1998, set performance standards for cab signal/automatic train control and ACSES systems, increased certain maximum authorized train speeds, and contained safety requirements supporting improved rail service on the NEC. 63 FR 39343. Among other requirements, the Order required all trains operating on track controlled by the National Railroad Passenger Corporation (Amtrak) on the NEC—North End to be controlled by locomotives equipped to respond to ACSES by October 1, 1999. In four later notices, FRA amended the Order to reset the implementation schedule and make technical changes. 64 FR 54410, October 6, 1999; 65 FR 62795, October 19, 2000; 66 FR 1718, January 9, 2001; and 66 FR 34512, June 28, 2001.

### Background

FRA is making the amendment to this Order effective upon publication instead of 30 days after the publication date in order to realize the significant safety and transportation benefits afforded by the ACSES system at the earliest possible time. All affected parties have been notified.

FRA is not reopening the comment period since the sole amendment to this Order is to extend temporary operating protocols for CSXT that had expired on September 16, 2001. The amendment allows these protocols to remain effective until March 16, 2002. This amendment will be effective for fewer than six months and is necessary to avoid disruption of rail service. Under these circumstances, delaying the effective date of the amendment to allow for notice and comment would be impracticable, unnecessary, and contrary to the public interest. FRA will continue to monitor the progress of CSXT towards equipping and maintaining sufficient units to run all trains with operative ACSES.

### 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.*

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## 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 mislabeled 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 mislabeled 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 mislabeled 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