

document, meetings, if held, will be at a district or national level. If public hearings are held, the time and place of the hearings will be announced in the **Federal Register**. You may request a public hearing by writing to the address under **ADDRESSES**.

Following the scoping process, the Coast Guard will prepare a draft PEA. A Notice of Availability will be published in the **Federal Register** when the draft PEA is available. Public notices will be mailed or emailed to those who have requested a copy of the Draft PEA. This period will provide the public with an opportunity to review the document and to offer appropriate comments.

Comments received during the draft PEA review period will be available in the public docket and made available in the Final PEA. A Notice of Availability of the Final PEA and FONSI will be published in the **Federal Register**.

Dated: October 3, 2002.

**C.D. Wurster,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Acquisition.*

[FR Doc. 02-25792 Filed 10-9-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-12528; Notice 2]

#### Uniroyal Goodrich Tire Manufacturing, Grant of Application for Decision That Noncompliance is Inconsequential to Motor Vehicle Safety

Uniroyal Goodrich Tire Manufacturing (Uniroyal) has determined that approximately 3,023 P235/70R16 BFGoodrich Radial Long Trail 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), Uniroyal 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."

Notice of receipt of the application was published, with a 30-day comment period, on June 25, 2002, in the **Federal Register** (67 FR 42846). NHTSA received no comment on this application.

During the period of the 8th through the 10th and the 12th through the 14th weeks of 2002, the Ardmore, Oklahoma plant of Uniroyal Goodrich Tire Manufacturing produced and cured a number of tires with erroneous marking.

FMVSS No. 109 (S4.3(d)) requires that each tire shall have permanently molded the generic name of each cord material used in the plies (both sidewall and tread area) of the tire. Also, 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.

The noncompliance with S4.3(d) and (e) relates to the mold. The tires were marked "Tread Plies: 2 Polyester + 2 Steel + 1 Nylon," instead of the correct marking "Tread Plies: 2 Polyester + 2 Steel."

Uniroyal states that of the total 3,023 tires produced, 1,460 have been isolated and will be brought into compliance or scrapped. Uniroyal does not believe that this marking error will impact motor vehicle safety because the tires meet all applicable Federal Motor Vehicle Safety performance standards, conform to the original specifications, and the noncompliance is one solely of labeling.

The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act (Public Law 106-414) required, among other things, that the agency initiate rulemaking to improve tire label information. In response, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222). The agency received more than 20 comments on the tire labeling information required by 49 CFR Sections 571.109 and 119, Part 567, Part 574, and Part 575. With regard to the tire construction labeling requirements of FMVSS 109, S4.3(d) and (e), most commenters indicated that the information was of little or no safety value to consumers. However, according to the comments, when tires are processed for retreading or repairing, it is important for the retreader or repair technician to understand the make-up of the tires and the types of plies. This enables them to select the proper repair materials or procedures for retreading or repairing the tires. A steel cord radial tire can experience a circumferential or "zipper" rupture in the upper sidewall when it is operated underinflated or overloaded. If information regarding the number of plies and cord material is removed from the sidewall, technicians cannot determine if the tire has a steel cord sidewall ply. As a result, many light truck tires will be inflated outside a restraining device or safety cage where they represent a substantial threat to the technician. This information is critical when determining if the tire is a candidate for a zipper rupture. In this case, since the steel cord construction is

properly identified on the sidewall, the technician will have sufficient notice.

In addition, 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 labeling 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 have concluded that it is likely that few consumers have been influenced by the tire construction information (number of plies and cord material in the sidewall and tread plies) provided on the tire label when deciding to buy a motor vehicle or tire.

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. This labeling noncompliance has no effect on the performance of tires of 2 Polyester and 2 Steel Ply construction.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Accordingly, its application is granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

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

Issued on: October 4, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 02-25791 Filed 10-9-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA 2002-11270, Notice No. 02-8]

#### Safety Advisory: Unauthorized Stamping of DOT specification Compressed Gas Cylinders

**AGENCY:** Research and Special Programs Administration.

**ACTION:** Safety advisory notice.

**SUMMARY:** This is to notify the public that RSPA has documented the unauthorized stamping of indentations in the side walls of high-pressure

compressed gas cylinders by Blue Water Divers (Blue Water), Ltd., Road Town, Tortola, British Virgin Islands. The cylinders are being used in the SCUBA industry. An undetermined number of the SCUBA cylinders or "dive tanks" owned by Blue Water Divers were stamped with month and year markings in the side walls of the cylinders. RSPA has determined that some of the cylinders may have been sold to individuals or U.S. companies and possibly are being used for transportation of hazardous materials in commerce in the U.S. All cylinders observed were DOT 3AL aluminum cylinders, but other cylinder types may be involved.

The Hazardous Materials Regulations (HMR) specifically prohibit stamping in the side wall of compressed gas cylinders, except DOT 3E cylinders, because doing so could compromise the structural integrity of the cylinder. The HMR prohibit the charging or filling of DOT specification or exemption cylinders with compressed gas or other hazardous materials and the offering for transportation of cylinders with markings stamped in the side walls. Furthermore, the HMR prohibit hydrostatic retesting and the return to service of cylinders that have been stamped on the side wall of the cylinder. Any cylinders that are marked on the side wall should be condemned in accordance with the HMR. Serious personal injury, death, or property damage could result from rupture of a cylinder.

**FOR FURTHER INFORMATION CONTACT:**

Robert Bunn, Hazardous Materials Enforcement Specialist, Southern Region, Office of Hazardous Materials Enforcement, Research and Special Programs, U.S. Department of Transportation, 1701 Columbia Avenue, Suite 520, College Park, GA 30337. Telephone: (404) 305-6120. Fax: (404) 305-6125.

**SUPPLEMENTARY INFORMATION:** RSPA has documented the unauthorized marking of high-pressure compressed gas cylinders on the side wall of the cylinder by Blue Water Divers (Blue Water), Ltd., Road Town, Tortola, British Virgin Islands. The tanks are being used in the SCUBA industry. An undetermined number of the SCUBA cylinders or "dive tanks" owned by Blue Water Divers were stamped with month and year markings in the side walls of the cylinders. RSPA has determined that some of the cylinders may have been sold to individuals or U.S. companies and possibly are being used for transportation of hazardous materials in commerce in the U.S. Some

of the cylinders have been requalified in DOT-certified hydrostatic retest facilities in the U.S. Virgin Islands. The cylinders in question may have stickers on the side walls that may cover the side-wall stamps. All cylinders observed were DOT 3AL aluminum cylinders, but other cylinder types may be involved.

The HMR specifically prohibit the stamping of markings in the side walls of compressed gas cylinders because doing so could compromise the structural integrity of the cylinder. The HMR prohibit the charging or filling of cylinders with compressed gas or other hazardous materials when the cylinders have been stamped on their side walls. Furthermore, the HMR prohibit hydrostatic retesting and return to service of cylinders with markings stamped in the side walls. Any cylinder found to have been stamped with markings on the side wall of the cylinder should be condemned in accordance with the HMR. Serious personal injury, death, or property damage could result from rupture of a cylinder.

Based on its preliminary investigation, RSPA learned that Blue Water has submitted some of these cylinders for requalification in the U.S. Virgin Islands or has sold some of these cylinders that are now being used in the U.S. Virgin Islands. Some of these cylinders may have a sticker on the side of the cylinder with the name "Blue Water Divers" on the sticker. Others may simply be stamped on the side of the cylinder. Any cylinder that has a sticker as described above should be closely inspected. You should remove the sticker and inspect for any unauthorized markings or stamping on the side of the cylinder.

The cylinders observed are stamped on the side wall with a marking of a month and a year. For example:

2 00

Some cylinders have multiple months and years stamped on the sides of the cylinders. All labels, stickers and bands should always be removed from cylinders prior to requalification. Cylinders described in this safety advisory, or any cylinder with side-wall stamping or unauthorized markings, should not be filled, refilled, retested or requalified for use in underwater breathing or for any hazardous material purpose. These cylinders should be condemned in accordance with the HMR. RSPA requests that any person possessing a cylinder described in this safety advisory telephone, or provide a facsimile to, Robert Bunn with the following information for each cylinder: (1) The cylinder manufacturer's name, (2) the serial number of the cylinder, (3)

the DOT specification or exemption information for the cylinder, and (4) details concerning the acquisition and subsequent disposition of the cylinders.

Issued in Washington, DC on October 4, 2002.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 02-25790 Filed 10-9-02; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Departmental Offices; Debt Management Advisory Committee Meeting**

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, DC, on October 29, 2002, of the following debt management advisory committee. The Bond Market Association Treasury Borrowing Advisory Committee

The agenda for the meeting provides for a technical background briefing by Treasury staff, followed by a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues, and a working session. Following the working session, the Committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 9 a.m. Eastern time and will be open to the public. The remaining sessions and the committee's reporting session will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and Public Law 103-202, § 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads by departments by 5 U.S.C. App. 2, § 10(d) and vested in me by the Treasury Department Order No. 101-05, that the closed portions of the meeting are concerned with discussions of the issues presented to the Committee by the Secretary and recommendations of the Committee to the Secretary, pursuant to Public Law 103-202, § 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its