

Hettinger, North Dakota 58639.

Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a non adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on August 12, 2003.

**Michael J. Logue,**

*Deputy Associate Administrator for Safety Compliance and Program Implementation.*

[FR Doc. 03-21137 Filed 8-18-03; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15701; Notice 1]

#### **Bridgestone/Firestone North America Tire, LLC; Receipt of Application for Decision of Inconsequential Noncompliance**

Bridgestone/Firestone North America Tire, LLC (BFNT) has determined that approximately 1,228 P235/75R15 Peerless AMBASSADOR tires do not meet the labeling requirement mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), BFNT 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.

Bridgestone/Firestone's Oklahoma City, Oklahoma plant produced approximately 1,228 tires with incorrect markings during the U.S. Department of Transportation's weeks of 17, 18, and 19

in 2003 (from April 20, 2003, through May 10, 2003). The tires were marked: "Tread Plies: 1 Polyester + 2 Steel + 1 Polyamide, Sidewall Plies: 1 Polyester." The correct marking required by FMVSS No. 109 is "Tread Plies: 2 Polyester + 2 Steel + 1 Polyamide, Sidewall Plies: 2 Polyester."

The labeling requirements of FMVSS No. 109, *New Pneumatic Tires*, S4.3, paragraphs (d) and (e), mandate that each tire 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.

Bridgestone/Firestone argues that the noncompliance described herein is inconsequential to motor vehicle safety. The noncompliant subject tires were constructed with more tread plies than indicated on the sidewall marking (two instead of one). BFNT states that this noncompliance is unlikely to have an adverse impact on motor vehicle safety since the actual construction of the subject tires is more robust than that identified on the sidewall. The noncompliant tires meet or exceed all performance requirements of FMVSS No. 109 and, the noncompliance will have no impact on the operational performance or safety of vehicles on which these tires are mounted.

Interested persons are invited to submit written views, arguments, and data on the application described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods: Mail: Docket Management Facility; U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* September 18, 2003.

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

Issued on: August 13, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-21220 Filed 8-18-03; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15644; Notice 1]

#### **Freightliner LLC; Receipt of Application for Determination of Inconsequential Noncompliance**

Freightliner LLC (Freightliner), on behalf of Thomas Built Buses, Inc. (Thomas) of High Point, North Carolina, has applied to be exempted from the notification and remedy requirements of the 49 U.S.C. chapter 301 "Motor Vehicle Safety" for a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, "Glazing Materials," on the basis that the noncompliance is inconsequential to motor vehicle safety. Freightliner has filed a report of noncompliance pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

This notice of receipt of the 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. See 49 U.S.C. 30118 (d) and 30120 (h).

Freightliner submitted the following information in accordance with the requirements of 49 CFR part 556, "Exemption for Inconsequential Defect or Noncompliance."

#### **Summary of the Petition**

Freightliner has determined that approximately 700 Thomas Built Conventional, MPV-EF, and HDX buses manufactured between September 22, 2002, and February 24, 2003, do not meet the labeling requirements of Paragraph S6 of FMVSS No. 205, "Glazing Materials," specifically section 6 of ANSI Z26 as incorporated by reference. The driver side windows were not marked with the DOT symbol, manufacturer's number, and the AS 2

code mark. According to Freightliner, the glazing otherwise met all the material, performance, and marking requirements of FMVSS No. 205, and it supplied a supporting compliance test report.

Freightliner believes that there is no safety risk associated with the glazing. The buses containing this glazing are maintained by professional transportation facilities and personnel that would be expected to correctly replace this glazing because they have experience in such maintenance. Freightliner maintains that, although this failure to label the driver side windows with the DOT number and AS2 code constitutes a noncompliance with the marking requirements of FMVSS No. 205, it is inconsequential to motor vehicle safety. Therefore, Freightliner believes Thomas should be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act.

#### Availability of the Petition and Other Documents

The petition and other relevant information are available for public inspection in NHTSA Docket No. NHTSA-2003-15644. You may call the Docket at (202) 366-9324 or you may visit the Docket Management in Room PL-401, 400 7th Seventh Street, SW., Washington, DC 20590 (10 a.m. to 5 p.m., Monday through Friday). You may also view the petition and other relevant information on the internet. To do this, do the following:

(1) Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).

(2) On that page, click on "Simple Search."

(3) On the next page (<http://dms.dot.gov/searchform.simple.cfm/>), type in the docket number, "15644." After typing the docket number, click on "Search."

(4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments and other materials.

*Comments:* You may submit comments by DOT DMS Docket Number NHTSA 2003-15644, by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: 1-202-493-2251.

• Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001

• Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* September 18, 2003.

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

Issued on: August 13, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-21219 Filed 8-18-03; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34384]

#### The Railroad Co., Inc. and WV Southern Railway Co.—Acquisition and Operation Exemption—Rail Line of CSX Transportation, Inc.

The Railroad Co., Inc. (RRC) and its wholly owned subsidiary, WV Southern

Railway Co. (WVSR), both noncarriers, have jointly filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate a 12-mile rail line owned by CSX Transportation, Inc. extending from milepost 0.0 at Thurmond, to milepost 12.0 at Mt. Hope, in Fayette County, WV.

RRC and WVSR certify that their projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.<sup>1</sup>

The transaction was scheduled to be consummated on or after August 1, 2003, the effective date of the exemption (7 days after the notice was filed).

If the notice 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. 34384, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Marc A. Monteleone, Bowles Rice McDavid Graff & Love, PLLC, 600 Quarrier St., P.O. Box 1386, Charleston, WV 25301-1386.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: August 7, 2003.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-20760 Filed 8-18-03; 8:45 am]

**BILLING CODE 4915-00-P**

<sup>1</sup> WVSR will be the operator of the line.