

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 January 30, 2003, in the **Federal Register** (68 FR 5972). NHTSA received no comments.

The petitioner argued as follows: FMVSS No. 109(S4.3(a)) requires that one size designation be molded on the tire's sidewall, except that equivalent inch and metric size designations may be used. The correct size designation, P275/60R15, was molded on both upper sidewalls and the lower sidewall on the DOT serial number side. However, on the side opposite the DOT serial number, a number of tires were stamped with an incorrect size designation of P275/80R15 in the lower sidewall area. The noncompliant tires were produced during the 23rd and 32nd production weeks of 2002.

The incorrect size designation was removed from the mold and the correct size designation inserted; however, prior to the mold being correctly stamped, 5,706 tires were inadvertently shipped marked with the one incorrect size designation.

Cooper states that the incorrect size designation on each tire is inconsequential to safety. The incorrect marking is the series designation. In the two most prominent locations and the serial side of the tire, the series designation is correct. Additionally there is no P275/15 sized tire manufactured in an 80 series. The noncompliant tires produced from the involved mold during the aforementioned production periods comply with all other requirements of FMVSS 109.

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. The tires are certified to meet all the performance requirements of FMVSS No. 109. The agency agrees with Cooper's statement indicating that the incorrect size designation on each tire does not present a serious safety concern. Although there is an incorrect size marking in one location on the tire that refers to the tire's series, we note that the correct tire size is stamped in three other locations on the tire sidewall. The incorrectly-stated series does not constitute a safety concern, since the incorrect designation does not exist and the consumer or the tire dealer can locate the correct tire size elsewhere on the tire sidewall. Cooper has also

correctly stamped the mold thus correcting the problem.

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

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

Issued on: October 30, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-27655 Filed 11-3-03; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34418]

#### CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk Southern Railway Company

Pursuant to a written trackage rights agreement dated June 20, 2003, Norfolk Southern Railway Company (NSR) has agreed to grant trackage rights to CSX Transportation, Inc. (CSXT), over approximately 21.3 miles of rail line in the Cincinnati, OH area. The trackage rights are between: (1) Milepost CF 30.9 at Butler Street and milepost CF 17.15 at Vaughn, a distance of 13.75 miles; (2) milepost BE 4.0 at Hopple Street and milepost BE 2.7 at Mitchell Avenue, a distance of 1.3 miles; and (3) milepost CJ 248.75 and the connection with CSXT at NA Tower/Ivorydale Junction at milepost CJ 255.00, a distance of 6.25 miles.

Although CSXT states that the transaction was scheduled to be consummated on October 21, 2003, the earliest the transaction could be consummated was October 22, 2003 (7 days after filing the notice).

The purpose of the trackage rights is to allow CSXT and NSR to operate more efficiently by instituting a directional running arrangement over each others lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in

*Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 34418, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Natalie S. Rosenberg, CSX Transportation, Inc., 500 Water St., J150, Jacksonville, FL 32202.

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

Decided: October 28, 2003.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-27592 Filed 11-3-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-254 (Sub-No. 7X)]

#### Providence and Worcester Railroad Company—Abandonment Exemption—in Worcester County, MA, and Windham County, CT

Providence and Worcester Railroad Company (P&W) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a portion of its line of railroad known as the Southbridge Running Track, extending from milepost 0.18, in Webster, MA, to milepost 10.98, in Southbridge, MA, a distance of approximately 10.8 miles, in Worcester County, MA, and Windham County, CT. The line traverses United States Postal Service Zip Codes 01550, 01570, 01571, and 06277.<sup>1</sup>

P&W certified that: (1) No local traffic has moved over the line for at least 2

<sup>1</sup> Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant initially indicated a proposed consummation date of December 3, 2003, but because the verified notice was filed on October 15, 2003, consummation may not take place prior to December 4, 2003. By facsimile filed on October 22, 2003, applicant's representative confirmed that the consummation date will be after December 4, 2003.

years; (2) there is no overhead traffic to be rerouted; (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 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 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 December 4, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 14, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 24, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to P&W's representative: Amy Silverstein, Assistant General Counsel, 75 Hammond Street, Worcester, MA 01610.

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

P&W has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 7, 2003.

<sup>2</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>3</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), P&W shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by P&W's filing of a notice of consummation by November 4, 2004, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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

Decided: October 28, 2003.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-27645 Filed 11-3-03; 8:45 am]  
BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

October 27, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11100, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 4, 2003 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-1694.

*Revenue Ruling Number:* Revenue Ruling 2000-35.

*Type of Review:* Extension.

*Title:* Automatic Enrollment in section 403(b) Plans.

*Description:* Revenue Ruling 2000-35 describes certain criteria that must be met before an employee's compensation can be reduced and contributed to an employer's section 403(b) plan in the absence of an affirmative election by the employee.

*Respondents:* Not-for-profit institutions.

*Estimated Number of Respondents:* 100.

*Estimated Burden Hours Per Respondent:* 1 hour, 45 minutes.

*Frequency of Response:* On occasion, Annually.

*Estimated Total Reporting Burden:* 175 hours.

*Clearance Officer:* R. Joseph Durbala (202) 622-3634, Internal Revenue Service, Room 6411-03, 1111 Constitution Avenue, NW., Washington, DC 20224.

*Reviewer:* Joseph F. Lackey, Jr. (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Mary A. Able,**

*Treasury PRA Clearance Officer.*

[FR Doc. 03-27713 Filed 11-3-03; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

October 27, 2003.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before December 4, 2003 to be assured of consideration.

### Financial Management Service

*OMB Number:* 1510-0035.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Assignment Form.

*Description:* This form is used when an awardholder wants to assign or