

turning into a parking space when her MY 2000 Mercury Sable suddenly accelerated on to a grassy median, struck a light pole head on, and then came to rest after hitting a parked car.

NHTSA had previously conducted an investigation (PE02-035) into this issue. Consistent with facts developed in that investigation, on October 1, 2002, Ford notified NHTSA that it would recall 369,614 MY 2000 through 2002 Ford Taurus and Mercury Sable vehicles (subject vehicles) to address a safety-related defect (NHTSA Recall 02V-266). Under that recall, Ford and Mercury dealers were to inspect the lateral separation distance between the brake pedal and the accelerator pedal and, if needed, adjust the pedals to obtain a minimum lateral separation of 50 mm. This would reduce the likelihood of a driver contacting both the brake and accelerator pedals, which could result in unwanted vehicle acceleration.

The petitioner stated that she brought her vehicle to her dealer in response to this recall and was told that no adjustment was needed. Subsequently, while the petitioner's mother was driving the vehicle, it allegedly suddenly accelerated and struck a light pole and a parked car. The petitioner therefore claims that the remedy identified by Ford for this recall does not sufficiently correct the brake and accelerator pedal lateral movement in the subject vehicles.

A review of the ODI complaint database revealed only one complaint regarding the adequacy of the recall remedy, that of the petitioner.

On December 10, 2003, an ODI investigator inspected Ms. Rodman's vehicle with the special tool used by Ford and Mercury dealers to perform the recall inspection. The brake/accelerator pedal lateral separation distance on Ms. Rodman's vehicle was 63 mm, well in excess of the 50 mm minimum specified under the recall. This measurement was performed as in the recall with the lash, or lateral movement, accounted for by moving the brake pedal towards the accelerator with light pressure.

The lateral movement of the pedal in the Rodman vehicle brake pedal was found to be comparable to other similarly equipped Sable and Taurus vehicles, approximately 30 mm.

Considering the fact that there were over 369,000 MY 2000-2002 Ford Taurus and Mercury Sable vehicles recalled and that the only alleged remedy failure reported to ODI was by the petitioner, there is no basis to open an investigation to examine whether the recall remedy is adequate. It is unclear what caused the unwanted vehicle

acceleration reported by Ms. Rodman. The brake/accelerator pedal lateral separation distance on her vehicle was significantly more than the 50 mm minimum specified under the recall and the lateral movement of the brake pedal was not excessive.

In view of the foregoing, it is unlikely that NHTSA would issue an order requiring Ford to provide a different remedy for this defect. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30120(e); delegations of authority at CFR 1.50 and 501.8.

Issued on: March 18, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Section 5a Application No. 46 (Sub-No. 20)]

Southern Motor Carriers Rate Conference, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Request for comments.

SUMMARY: The Surface Transportation Board is reopening the record regarding the application of the Southern Motor Carriers Rate Conference, Inc. (SMCRC) to expand the geographic scope of its collective ratemaking authority from regional to nationwide. The Board is taking this action to update the record for this matter by providing the opportunity for SMCRC to submit additional information in support of its application and for interested persons to file comments in reply to SMCRC's proposal. SMCRC will then be allowed to file rebuttal.

DATES: Initial statement from SMCRC is due by April 22, 2004. Replies are due by May 24, 2004. Rebuttal from SMCRC is due by June 7, 2004.

ADDRESSES: Send an original and 10 copies of pleadings, referring to STB Section 5a Application No. 46 (Sub-No. 20), to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Also, send one copy to the representative of applicant SMCRC in STB Section 5a Application No. 46 (Sub-No. 20): Law Office of John R. Bagileo, No. 300, 1101 30th Street, NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 565-1609. [Federal Information Relay Service for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: SMCRC is one of several motor carrier rate bureaus (associations of motor carriers of property) that have antitrust immunity to set rates collectively under Board jurisdiction and oversight pursuant to 49 U.S.C. 13703. SMCRC currently engages in collective ratemaking on a regional (non-nationwide) basis. In 1994, SMCRC filed an application with the Interstate Commerce Commission, the Board's predecessor agency, for authority to operate collectively on a nationwide basis,¹ and six other regional rate bureaus responded with separate requests that they be granted nationwide authority in the event that SMCRC. The territorial expansion requests were eventually (a) consolidated for decision, (b) merged into a broader proceeding to determine whether there was still a need for antitrust immunity for collective ratemaking, and (c) made the subject of two requests in the **Federal Register** for comments.² In a decision served on December 18, 1998, in *EC-MAC Motor Carriers Service Assoc., Inc., et al.*,³ 3 S.T.B. 926, 935 (1998) (*EC-MAC*), the Board commented favorably on territorial expansion, provided that the bureaus reduce their class rate levels, but the agency declined to resolve the issue with finality due to a request for delay from certain members of Congress. In December 1999, Congress amended the Board's governing statute to prohibit the agency from authorizing regional rate bureaus to operate nationwide.³ Recognizing this amendment in its February 2000 decision in *EC-MAC*,⁴ the Board thereafter took no further action to rule on the requests for nationwide authority, although most of

¹ SMCRC's application for nationwide authority was originally docketed as Section 5a Application No. 46 (Amendment No. 19). On December 19, 1996, SMCRC resubmitted its request for nationwide authority in a new application that was docketed as Section 5a Application No. 46 (Sub-No. 20), the subject of the instant notice. SMCRC's (Sub-No. 20) application also proposed minor, unrelated changes that were separately approved in a decision served on September 4, 1997.

² See 59 FR 25121 (May 13, 1994) (consolidating the territorial expansion requests and seeking comments); 62 FR 27653 (May 20, 1997) (broadening the issues to include the need for continued antitrust immunity for bureaus and seeking additional comments on all issues).

³ See former 49 U.S.C. 13703(d) (2000).

⁴ *EC-MAC Motor Carriers Service Association, Inc., Et Al.*, Sec. 5a Application No. 118 (Amendment No. 1), *et al.* (STB served Feb. 11, 2000). See also the decisions in *EC-MAC* served on November 20, 2001, and March 27, 2003.

them were never formally dismissed.⁵ On February 20, 2003, Congress removed the prohibition against granting nationwide collective ratemaking authority.⁶

By petition filed on November 5, 2003, SMCRC asks the Board to reopen and to reconsider its prior request for nationwide collective ratemaking authority in light of the repeal of the statutory prohibition against it. SMCRC argues that the Board previously expressed an intent to approve nationwide collective ratemaking authority and would have done so but for the prior statutory prohibition. SMCRC maintains that its request for nationwide authority can be approved on the present record.

On November 25, 2003, the National Small Shipments Traffic Conference, Inc., (NASSTRAC) filed a reply opposing SMCRC's request that the Board approve its application for nationwide authority without seeking new evidence to supplement the record. NASSTRAC states that it has expressed general support for nationwide authority in the past, to promote competition among rate bureaus. However, NASSTRAC argues that the current record is out-of-date, and it urges the Board to consider in detail how the expanded authority sought by SMCRC would affect competition among rate bureaus and collectively set rates.

On December 15, 2003, the United States Department of Transportation (DOT) filed a reply opposing SMCRC's request for nationwide authority. DOT argues that any expansion of the territorial scope of collective ratemaking would be "contrary to the public interest." Alternatively, DOT urges that, if the Board wishes to give SMCRC's request serious consideration, the agency should develop a new record. Similar objections were raised in two other replies filed on the same date by (a) the National Industrial Transportation League and (b) two other rate bureaus (EC-MAC Motor Carriers Service Association, Inc., jointly with the Rocky Mountain Motor Tariff Bureau, Inc.). The two other rate bureaus suggest that the issue of

territorial expansion be resolved in the periodic (5-year) review proceeding that the Board is required to begin again in 2004 to evaluate current bureau agreements under 49 U.S.C. 13703(c)(2).

The Board will reopen the record to seek additional information and comments. The present record is at least 6 years old. Additional information and the opportunity for public comments are needed in light of industry changes, subsequent statutory revisions, and the Board's decisions in *EC-MAC*, cited above. After the comments are received and analyzed, the Board will schedule an oral argument on the issues raised by SMCRC's application.

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

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: March 12, 2004.

By the Board, Chairman Nober.

Vernon A. Williams,
Secretary.

[FR Doc. 04-6192 Filed 3-22-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Michael Behe representing FRN, LLC (WB604-1-3/11/04) for permission to use certain data from the Board's 1999-2001 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

FOR FURTHER INFORMATION CONTACT: Mac Frampton, (202) 565-1542.

Vernon A. Williams,
Secretary.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, April 19, 2004, 8 a.m. to 3 p.m., and Tuesday, April 20, 8 a.m. to 12 p.m., central daylight time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 297-1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Monday, April 19, 2004, 8 a.m. to 3 p.m., and Tuesday, April 20, 8 a.m. to 12 p.m., central daylight time, at the Embassy Suites Hotel Chicago Downtown, 600 North State Street, Chicago, IL 60610. You can submit written comments to the panel by faxing to (414) 297-1623, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, 310 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or you can contact us at www.improveirs.org. This meeting is not required to be open to the public, but because we are always interested in community input, we will accept public comments. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 297-1604 for more information.

The agenda will include the following: Various IRS issues.

Dated: March 17, 2004.

Bernard Coston,

Director, Taxpayer Advocacy Panel.

[FR Doc. 04-6469 Filed 3-22-04; 8:45 am]

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⁵ The only exception was the application of the Niagara Frontier Tariff Bureau, Inc., which was dismissed at its own request in *EC-MAC Motor Carriers Service Association, Inc., Et Al., Sec. 5a* Application No. 118 (Amendment No. 2), *et al.* (STB served Oct. 16, 2003).

⁶ See section 354 of the Omnibus Appropriations Act FY 2003, Pub. L. No. 108-7, 117 Stat. 11 (Feb. 20, 2003), H.R. Conf. Rep. No. 108-10 (2003).