

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Aviation Proceedings, Agreements  
Filed the Week Ending April 23, 2004**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2004-17591.

*Date Filed:* April 19, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 368, PTC 0744 dated 20 April 2004, Special Passenger Amending Resolution 010o between Japan and Chinese Taipei r1-r10, Intended effective date: 1 May 2004.

*Docket Number:* OST-2004-17622.

*Date Filed:* April 23, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* Mail Vote 371, PTC2 ME 0132 dated 27 April 2004, Special Passenger Amending Resolution 010s, Within Middle East r1-r3, Intended Effective Date 1 May 2004.

**Maria Gulczewski,**

*Supervisory Dockets Officer, Alternate Federal Register Liaison.*

[FR Doc. 04-10470 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-62-P

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending April 23, 2004**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2004-17594.

*Date Filed:* April 19, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* May 10, 2004.

*Description:* Application of Express.Net Airlines, LLC, requesting a certificate of public convenience and necessity to engage in scheduled foreign air transportation of property and mail between any point or points in the U.S. and any point or points in Mexico, and to integrate such authority with Express.Net's existing authority.

**Maria Gulczewski,**

*Supervisory Dockets Officer, Alternate Federal Register Liaison.*

[FR Doc. 04-10471 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-62-P

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Environmental Impact Statement:  
Rockingham County, VA**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The Federal Highway Administration is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) in cooperation with the Virginia Department of Transportation for potential transportation improvements in a study area located between Interstate 81 and U.S. Route 33 immediately southeast of the City of Harrisonburg. The project is located in Rockingham County and is intended to address growing regional transportation needs.

**FOR FURTHER INFORMATION CONTACT:** John Simkins, Environmental Protection Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240-0249. Telephone: (804) 775-3342.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with the Virginia Department of Transportation (VDOT), will prepare an EIS for the Harrisonburg Southeast Connector Location Study in Rockingham County, Virginia. The EIS will include a range of alternatives that will meet the purpose and need including a no-build alternative as well as alternatives consisting of transportation system management strategies, mass transit, improvements to existing roadways, and/or new alignment facilities.

The FHWA and VDOT are seeking input as part of the scoping process to assist in determining and clarifying issues relative to the study. Letters describing the study and soliciting input will be sent to the appropriate federal, state, and local agencies, and other

interested parties as part of the scoping process. An agency scoping meeting as well as a public scoping meeting are planned and will be announced by VDOT. Notices of public meetings and public hearings will be given through various forums providing the time and place of the meeting along with other relevant information. The Draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this study is identified and taken into account, comments and suggestions are invited from all interested parties. Comments and questions concerning this study should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action)

**Authority:** 23 U.S.C. 315; 49 CFR 1.48.

Issued on: April 30, 2004.

**John Simkins,**

*Environmental Protection Specialist.*

[FR Doc. 04-10391 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-22-M

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety  
Administration**

[Docket No. NHTSA-2004-17623; Notice 1]

**Cooper Tire & Rubber Company,  
Receipt of Petition for Decision of  
Inconsequential Noncompliance**

Cooper Tire & Rubber Company (Cooper), has determined that certain tires it manufactured during 2004 do not comply with S6.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars." Cooper has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Cooper has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Cooper's petition 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 petition.

Cooper produced approximately 148 size 11R24.5 Cooper and Mastercraft brand tubeless radial tires during the period from February 29, 2004 through March 6, 2004, that do not comply with FMVSS No. 119, S6.5(f). These tires were marked "tread 5 plies steel; sidewall 1 ply steel," when they should have been marked "tread 4 plies steel; sidewall 1 ply steel."

S6.5(f) of FMVSS No. 119 requires that each tire shall be marked with "[t]he actual number of plies \* \* \* in the sidewall and, if different, in the tread area." Cooper states that the incorrect number of steel tread plies was removed from the molds by buffing and the correct number of steel tread plies inserted; however, prior to the molds being correctly stamped, 148 tires were inadvertently shipped.

Cooper states that the incorrect number of steel tread plies on each tire does not present a safety issue. Cooper explains:

The involved tires have been redesigned by Cooper, and the fifth steel belt removed. This change was done to improve tread wear resistance and has no effect on the tire's ability to meet all applicable DOT testing standards. The certification data from the redesigned four steel ply construction showed no remarkable difference when compared to the equivalent certification data for the previous five ply steel construction. Both sets of data are well in excess of DOT requirements.

Cooper states that the involved tires comply with all other requirements of FMVSS No. 119.

Interested persons are invited to submit written data, views, and arguments on the petition 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, 20590-0001. 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.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.  
*Comment closing date:* June 7, 2004.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: May 4, 2004.

**Kenneth N. Weinstein**,  
*Associate Administrator for Enforcement.*  
[FR Doc. 04-10472 Filed 5-6-04; 8:45 am]  
BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA-04-16964 (Notice No. 04-3)]

#### Hazardous Materials: Regulations for the Safe Transport of Radioactive Material (TS-R-1); Solicitation of Proposed Changes

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Solicitation of proposals for changes to the International Atomic Energy Agency Regulations.

**SUMMARY:** RSPA and the U.S. Nuclear Regulatory Commission (NRC) are jointly seeking proposed changes to the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as TS-R-1). The proposed changes that are submitted by the U.S. and other IAEA member states and International Organizations might necessitate subsequent domestic compatibility rulemakings by both DOT and NRC.

**DATES:** Proposals will be accepted June 7, 2004. Proposals received after this date will be considered if it is practical to do so, however we are only able to assure consideration only for proposals received on or before this date.

**ADDRESSES:** You may submit proposed changes identified by the docket number (RSPA-04-16964 (Notice No. 04-3)) 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 System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-402, Washington, DC 20590-001.

- *Hand Delivery:* To the Docket Management System; Room PL-402 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.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this notice. For detailed instructions on submitting proposals and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all proposals received will be posted without change to <http://dms.dot.gov> including any personal information provided. Please see the Privacy Act heading under **SUPPLEMENTARY INFORMATION.**

*Docket:* For access to the docket to read background documents or proposals received, go to <http://dms.dot.gov> at any time or to the Docket Management System (see **ADDRESSES**).

**FOR FURTHER INFORMATION CONTACT:** Mr. Rick Boyle, Office of Hazardous Material Technology, U.S. Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington DC, 20590-0001; (202) 366-2993; [rick.boyle@rspa.dot.gov](mailto:rick.boyle@rspa.dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The IAEA periodically revises its Regulations for the Safe Transport of Radioactive Material to reflect new information and accumulated experience. The DOT is the U.S. competent authority before the IAEA for radioactive material transportation matters. The NRC provides technical support to the DOT in this regard, particularly with regard to Type B and fissile packages.

The IAEA recently initiated the review cycle for the 2007 edition of its regulations. The IAEA's review process calls for Member States and International Organizations to provide proposed changes to the IAEA by July 15, 2004. The objective is publication of revised regulations in 2007, nominally