

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

to become effective worldwide in 2009. To assure opportunity for public involvement in the international regulatory development process, the DOT and the NRC are soliciting proposals for changes to the IAEA Regulations at this time. This information will assist the DOT and the NRC in having a full range of views as the agencies develop the proposed changes the U.S. will submit to the IAEA.

## II. Public Participation

Proposed changes should identify the docket number (RSPA-04-16964 (Notice No. 04-3)) and if by mail proposed changes are to be submitted in two copies. Persons wishing to receive confirmation of receipt of their proposals should include a self-addressed stamped postcard. Internet users may access all proposals received by the U.S. Department of Transportation at <http://dms.dot.gov>.

Proposed changes must be submitted in writing (electronic file on disk in Microsoft Word format preferred) and are to include:

- Name;
- Address;
- Telephone no.;
- E-mail address;
- Objective of change/regulatory problem (*e.g.*, a description of the problem being addressed and its consequences);

Justification for change (*e.g.*, the proposed change maintains safety in transport, is risk-informed, and is effective and efficient (*e.g.*, does not impose an undue burden on shippers or carriers));

Paragraphs of the current regulations (TS-R-1) affected (existing text, and proposed new text); and

Modification of or additional guidance material (existing text, and proposed new text); and reference(s) and/or reference material as needed.

The DOT and the NRC will review the proposed changes and rationales. Based in part on the information received, the U.S. will propose changes to be submitted to the IAEA by July 15, 2004.

Proposals for changes from all Member States and International Organizations will be considered at an IAEA Review Panel Meeting to be convened by IAEA on September 27–October 1, 2004, in Vienna, Austria. Prior to that meeting, the DOT and the NRC anticipate holding a public meeting to solicit comment on all (including U.S.) proposed changes submitted to the IAEA.

## III. Privacy Act

Anyone is able to search the electronic form of all proposed changes

received into any of our dockets by the name of the individual submitting the proposed change (or signing the proposed change, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or may visit <http://dms.dot.gov>.

Issued in Washington, DC on May 4, 2004.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 04-10473 Filed 5-6-04; 8:45 am]

BILLING CODE 4910-60-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34499]

#### Union Pacific Railroad Company-Temporary Trackage Rights Exemption-The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail lines between BNSF milepost 6.1 near Fort Worth, TX, and BNSF milepost 218.1 near Temple, TX, a distance of approximately 129.2 miles.<sup>1</sup>

The transaction was scheduled to be consummated on April 27, 2004,<sup>2</sup> and the temporary trackage rights are intended to expire on or about May 8, 2004. The purpose of the temporary rights is to facilitate maintenance work on UP lines.

As a condition to this exemption, any employee affected by the acquisition of the temporary 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), and, in accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit in *United Transportation Union—General Committee of Adjustment (GO-386) v. Surface Transportation Board*, No. 03-1212, 2004 U.S. App. LEXIS 6496 (D.C. Cir. Apr. 6, 2004), any employee affected by the

<sup>1</sup> The trackage rights involve BNSF track segments with non-contiguous mileposts. Therefore, total mileage does not correspond to the milepost designations of the endpoints.

<sup>2</sup> While UP indicated a proposed consummation date of April 26, 2004, consummation could not take place prior to April 27, 2004, 7 days after the filing of the notice. See 49 CFR 1180.4(g).

discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). 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. 34499, 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 Robert T. Opal, 1416 Dodge St., Room 830, Omaha NE 68179.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: May 3, 2004.

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

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

[FR Doc. 04-10440 Filed 5-6-04; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34284]

#### Southwest Gulf Railroad Company—Construction and Operation Exemption—Medina County, TX

**AGENCY:** Surface Transportation Board, Transportation.

**ACTION:** Notice of availability of the final scope of study for the Environmental Impact Statement.

**SUMMARY:** On February 27, 2003, Southwest Gulf Railroad Company (SGR) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate a new rail line in Medina County, Texas. The proposed project would involve the construction and operation of approximately seven miles of new rail line. Because the effects of the proposed project on the quality of the human environment are likely to be highly controversial, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA issued a Notice of Intent to Prepare an EIS; Notice of Initiation of the Scoping