

Dated: August 23, 2004.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

[FR Doc. 04-20334 Filed 9-7-04; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 229

[Docket No. FRA-2003-16357, Notice No. 2]

RIN 2130-AB34

#### Locomotive Event Recorders

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Proposed rule; notice of public hearing and extension of comment period.

**SUMMARY:** By notice of proposed rulemaking (NPRM) published on June 30, 2004 (69 FR 39774), FRA proposed revisions to the regulations governing locomotive event recorders in order to improve the crashworthiness of railroad locomotive event recorders and to enhance the quality of information available for post-accident investigations. In that document, FRA announced that it expected to be able to resolve this rulemaking without a public, oral hearing but indicated that if it received a specific request for a public, oral hearing, one would be scheduled. In response to that document, several commenters requested the opportunity for a public, oral hearing, and one commenter sought an extension in the time for submitting written comments. This document grants those requests.

**DATES:** (1) *Comments:* Comments must be received by October 11, 2004, unless information received at the public hearing indicates a need to further extend this time period.

(2) *Public Hearing:* A public hearing will be held on September 30, 2004, beginning at 10 a.m. at the location listed below to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM.

Any person wishing to participate in the public hearing should notify FRA's Docket Clerk by mail at the address provided below at least five working days prior to the date of the hearing and submit three copies of the oral statement that he or she intends to make at the hearing. The notification should identify the party the person represents,

and the particular subject(s) the person plans to address. The notification should also provide the Docket Clerk with the participant's mailing address. FRA reserves the right to limit participation in the hearings of persons who fail to provide such notification.

**ADDRESSES:** (1) *Comments:* Comments related to Docket No. FRA-2003-16357 may be submitted 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.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information. FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any agency docket by the name of the individual submitting the comment (or signing the comment, 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 you may visit <http://dms.dot.gov>.

(2) *Public Hearing:* A hearing to provide interested parties the opportunity to comment on the proposed revisions contained in the NPRM will be held in Conference Room 1 located on the 7th floor at 1120 Vermont Avenue, NW., Washington, DC 20005.

(3) *FRA Docket Clerk:* Written notification of a party's desire to participate in the public hearing should identify the docket number and must be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, RCC-10, Mail Stop 10, 1120 Vermont Avenue, NW., Washington, DC 20005.

(4) *DOT Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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.

#### FOR FURTHER INFORMATION CONTACT:

Edward W. Pritchard, Director, Office of Safety Assurance and Compliance, RRS-10, Mail Stop 25, Federal Railroad Administration, Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6247), or Thomas J. Herrmann, Trial Attorney, Office of Chief Counsel, Mail Stop 10, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6036).

**SUPPLEMENTARY INFORMATION:** The public hearing will be informal and will be conducted in accordance with FRA's Rules of Practice (49 CFR 211.25) by representatives designated by FRA. FRA's representatives will make opening statements outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding this NPRM, without cross-examination. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given an opportunity to do so in the same order in which initial statements were made.

Issued in Washington, DC, on September 2, 2004.

**Betty Monro,**

*Acting Federal Railroad Administrator.*

[FR Doc. 04-20416 Filed 9-3-04; 1:49 pm]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. NHTSA 2004-19031]

RIN 2127-AH81

#### Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of withdrawal of request for comments.

**SUMMARY:** In 2001, this agency published a request for comments seeking information on the causes and potential safety risks associated with headlamp glare. After receiving and reviewing more than 5,000 public comments, the agency has identified five separate issues that may become the subject of rulemaking in the future. However, before the agency considers whether to initiate rulemaking, it plans to conduct evaluations and research in a number of areas. Accordingly, the agency is terminating public proceedings on this subject by withdrawing the request for comments. The agency will continue to study the issue of glare and headlamp performance, including any new information submitted by the public.

**FOR FURTHER INFORMATION CONTACT:** The following persons at the NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

For non-legal issues, you may call Mr. Richard Van Iderstine, Office of Crash Avoidance Standards (telephone: 202-366-2720) (fax: 202-366-7002).

For legal issues, you may call Mr. Eric Stas, Office of Chief Counsel (Telephone: 202-366-2992) (Fax: 202-366-3820).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*, establishes performance requirements for lighting-related equipment on new motor vehicles, as well as their location. The standard also covers replacement lighting equipment. The present version of FMVSS No. 108 sets minimum and maximum headlamp intensities to ensure that the driver of the vehicle sees as much of the roadway as possible, while minimizing the glare for other drivers using the road.

In response to over 200 consumer complaints of headlamp glare, NHTSA published a request for comments on September 28, 2001, on the issue of glare from headlamps (*see* 66 FR 49594; *see also* 66 FR 59769 (November 30, 2001) (notice reopening comment period)). Some of the questions in the request for comments addressed auxiliary forward illumination devices, high-mounted headlamps, glare from high-intensity discharge (HID) headlamps, and light source and color issues.

As noted in the summary above, NHTSA received over 5,000 submissions pursuant to this request for comments, most of which can be classified as individual complaints from

persons concerned about the increasing incidence of nighttime glare from front-mounted lamps.<sup>1</sup> The commenters most frequently discussed extra headlamps, high-mounted headlamps, blue headlamps, HID headlamps, and certain other issues related to glare.

After reviewing these comments, the agency has identified five discrete issue areas related to glare that need further evaluation and may be considered for future regulatory action: (1) Auxiliary forward illumination devices; (2) headlamp mounting height; (3) headlamp light source issues; (4) HID headlamps, and (5) aiming.

NHTSA has also identified several research topics related to glare that the agency is undertaking with universities, including research to quantify the benefits of reducing glare and improving headlamp performance, human factors testing of driver reaction to various types of headlamps, the potential safety-related benefits of adaptive frontal headlighting systems, and measurement of the effects of spectral distribution, lamp size, and luminance on glare and visual performance.

##### **II. Reason for Withdrawal**

In light of the agency's plans for further evaluation and research related to glare, there will be no further public proceedings in the immediate future. We are terminating the current public proceedings by withdrawing the request for comments. We may consider initiating separate glare-related rulemakings under FMVSS No. 108 on the above-mentioned topics in the future. If we decide to do so, we will commence new public proceedings.

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued: August 31, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-20258 Filed 9-7-04; 8:45 am]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Transportation Security Administration**

#### **49 CFR Part 1507**

[Docket No. TSA-2004-18984, Amendment 1507-1]

RIN 1652-AA36

#### **Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files**

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** TSA proposes to exempt the Registered Traveler Operations Files (DHS/TSA 015) from several provisions of the Privacy Act. Public comment is invited.

**DATES:** Submit comments by October 8, 2004.

**ADDRESSES:** You must identify the TSA docket number when you submit comments to this rulemaking, using any one of the following methods:

*Comments Filed Electronically:* You may submit comments through the docket Web site at <http://dms.dot.gov>. Please be aware that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

You also may submit comments through the Federal eRulemaking portal at <http://www.regulations.gov>.

*Comments Submitted by Mail, Fax, or In Person:* Address or deliver your written, signed comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001; Fax: 202-493-2251.

*Reviewing Comments in the Docket:* You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is located on the plaza level of the NASSIF Building at the Department of Transportation address above. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

<sup>1</sup> See Docket No. NHTSA-2001-8885.