

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

#### **Vessel Proposed for Waiver of the U.S.-Build Requirement**

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* SEASCAPE. *Owner:* Darryl and Cindy Aken.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* "52 Feet, *Capacity:* 12 Persons, *Tonnage:* 25."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "I plan to charter the SEASCAPE for short periods for Harbor cruises in Marina del Rey and corporate sightseeing cruises. The geographic limits within which I will operate are in the Pacific Ocean from Santa Barbara to Newport Beach, CA and out to the Channel Islands and Catalina Island."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1990. *Place of construction:* Taiwan.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* "Most of the commercial passenger vessels operating in the geographic area referred to in item 8 are large, with capacities from 50 to 500 passengers. I do not believe I will have any impact on them. I, in fact, will provide to smaller parties similar experiences to the larger groups."

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* "I do not believe the operation of my vessel will have any impact on U.S. shipyards."

Dated: December 12, 2000.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 00-32011 Filed 12-14-00; 8:45 am]

**BILLING CODE 4910-81-P**

#### **DEPARTMENT OF TRANSPORTATION**

##### **National Highway Traffic Safety Administration**

[Docket No. NHTSA 2000-8461; Notice 1]

##### **Continental General Tire, Inc., Receipt of Application for Decision of Inconsequential Noncompliance**

Continental General Tire, Inc., (Continental) has determined that

approximately 3,187 P255/70R16 Ameri\*660 AS passenger car tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires." FMVSS No. 109 requires that each tire shall have permanently molded into or onto both sidewalls the actual number of plies in the sidewall, and the actual number of plies in the tread area if different. (S4.3(e)).

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Continental has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

This notice of receipt of an application 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 application.

The noncompliance with S4.3(e) relates to the mold number. Mold number 33460 ran for the production period of June 14, 2000 through July 29, 2000 with an incorrect sideplate on the bottom sidewall. This sideplate was not changed from a previous production run in which the construction was different. The stamping at the rim line read: "Tread 6 plies—2 Steel + 2 Polyester + 2 Nylon." It should have read: "Tread 4 Plies—2 Steel + 2 Polyester."

The manufacturer also said that "A second item should be included, which is not part of the FMVSS 109 requirement, but is considered a labeling inconsistency. The load index/speed rating stamping located on the bottom sidewall at both upper sidewall and rim line reads 109H should be 109S."

The P255/70R16 General Ameri\*660 AS primarily is supplied to General Motors (GM) for original equipment pick up truck application.

Continental states that all molded labeling items on the LW outboard (customer) sidewall are correct and that a label showing correct identification is affixed to the tread. The customer would be sold the product for designed usage and the incorrect information would be on the inboard (non-customer) sidewall.

This situation has been reviewed with representatives of GM and they have indicated their support of registering this problem as an inconsequential noncompliance. Continental believes that there is no safety-related issue with respect to this equipment.

Interested persons are invited to submit written data, views, and

arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: January 16, 2001.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: December 11, 2000.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 00-31977 Filed 12-14-00; 8:45 am]

**BILLING CODE 4910-59-P**

#### **DEPARTMENT OF TRANSPORTATION**

##### **Surface Transportation Board**

[STB Finance Docket No. 33968]

##### **Safe Handling Rail, Inc.—Operation Exemption—Maine Coast Railroad Corporation, Maine Central Railroad Company, Springfield Terminal Railway Company, and State of Maine Department of Transportation**

Safe Handling Rail, Inc. (SHR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire, by assignment, the operating rights of Maine Coast Railroad Corporation (MECO) over approximately 5.76 route miles of rail line in Rockland, Sagadahoc County, ME (subject line), between milepost 28.03 (Church Road) and milepost 33.79 (Hardings).<sup>1</sup> In addition, SHR also will acquire MECO's incidental overhead trackage rights on the rail line between milepost 27.5 and milepost 33.79 (trackage rights).<sup>2</sup> The State of Maine Department of

<sup>1</sup> MECO acquired the authority to operate the subject line in *Maine Coast Railroad Corporation—Operation Exemption—Maine Central Railroad Company and Springfield Terminal Railway Company*, Finance Docket No. 32272 (ICC served June 21, 1993).

<sup>2</sup> MECO was granted trackage rights by *Maine Central Railroad Corporation (MEC) and Springfield Terminal Railway Company (STR) in Maine Coast Railroad Corporation—Trackage Rights Exemption—Maine Central Railroad Company and Springfield Terminal Railway Company*, Finance Docket No. 31768 (ICC served Nov. 26, 1990).

Transportation (MDOT) owns the subject line, and MEC and STR have residual common carrier obligations on the subject line.<sup>3</sup> Certain traffic handled by SHR to and from the Bath Iron Works at Hardings, ME, will be handled in the account of MEC/STR, just as it has been handled by MECO.

The transaction is expected to be consummated on or soon after December 8, 2000, the effective date of the exemption (7 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33968, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Bruce A. Coggeshall, Esq., Pierce Atwood, One Monument Square, Portland, ME 04101.

<sup>3</sup> SHR will replace MECO as the operator of the subject line and trackage rights, and MECO will have no further rail carrier rights or obligations on the subject line or trackage rights line. In a related proceeding, SHR has filed a notice for a modified certificate of public convenience and necessity to operate MDOT's rail lines (i) between milepost 33.79, in Brunswick, ME, and milepost 85.55, in Rockland, ME, and (ii) between milepost 29.40, at Rock Junction, in Brunswick, and milepost 63.00, in Augusta, ME. See *Safe Handling Rail, Inc.—Modified Rail Certificate*, STB Finance Docket No. 33967.

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Decided: December 7, 2000.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 00-31879 Filed 12-14-00; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33914]

#### Texas Mexican Railway Company— Purchase Exemption—Union Pacific Railroad Company

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323-25 for Texas Mexican Railway Company (Tex Mex) to acquire from Union Pacific Railroad Company and operate (1) the Rosenberg Line, an 84.5-mile rail line between milepost 87.0 near Victoria and milepost 2.5 near Rosenberg, TX, and (2) approximately 6.3 miles of overhead trackage rights between mileposts 87.0 and 90.8 and between mileposts 2.5 and 0.0, subject to employee protective conditions.<sup>1</sup>

<sup>1</sup> Additionally, the Board is approving Tex Mex's request for permission to use the overhead trackage rights it acquired in *Union Pacific/Southern Pacific Merger*, 1 S.T.B. 233 (1996), to move the traffic that will originate or terminate on the Rosenberg Line.

**DATES:** This exemption is effective on December 21, 2000. Petitions to reopen must be filed by January 2, 2001.

**ADDRESSES:** An original and 10 copies of all pleadings referring to the exemption granted in STB Finance Docket No. 33914 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative, Richard A. Allen, 888 17th Street, NW, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar (202) 565-1600. [TDD for the hearing impaired 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** For further information, refer to the Board's decision served December 11, 2000.

To purchase a copy of the full decision, write to, call, or pick up in person from: Da-To-Da Office Solutions, 1925 K Street, NW, Room 405, Washington, DC 20006. Telephone: (202) 466-5530. [Assistance for the hearing impaired is available through TDD services 1-800-877-8339.]

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Decided: December 8, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 00-31907 Filed 12-14-00; 8:45 am]

**BILLING CODE 4915-00-P**