

"44'2" LWL, 50'6" LOD, 41 gross tons, 33 net tons."

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: "The geographic region of intended use of the vessel for which waiver is being requested is Coastwise USA and Territories, with primary use between the West Coast of the United States and Seward Alaska. I intended to use THORR as my private yacht and offer one to two couples to share in that experience for a charter fee, within the region. I will charter on weekends and days off until my retirement in 5–10 years at which time I will begin to cruise the world."

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1997. Place of construction: Taipei, Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: "None to minimal. There are no known boats operating in the region that do trips for just one to two couples. To the extent that there may be others, in fact that there will only be one to two couples on the boats means that the impact on others will be minimal to non-existent."

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: "The issuing of this waiver will have no impact on U.S. shipyards. No U.S. shipyard markets a yacht less than 50 foot, capable of crossing an ocean, for an owner who wants to take the occasional guest for charter."

Dated: July 30, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–11882; Notice 2]

Michelin North America, Inc., Grant of Application for Decision of Inconsequential Noncompliance

Michelin North America, Inc., (Michelin) has determined that approximately 385 275/80 R–22.5 Michelin PXZE TL LRG tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other

than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin 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."

Notice of receipt of the application was published, with a 30-day comment period, on April 2, 2002, in the **Federal Register** (67 FR 15672). NHTSA received no comments.

During the period of the 42nd week through the 44th week of 2001, the Kentville, Nova Scotia, Canada plant of Michelin North America (Canada) Inc., produced tires where, on one side of the tire, the tire inflation pressure information was omitted. This condition does not meet the labeling requirements of FMVSS No. 119, S6.5(d) as the incorrectly marked tires read:

Max Load Single 2800 kg (6175 lbs) 2800 kg (6175 lbs)

Max Load Dual 2575 kg (5675 lbs) 2575 kg (5675 lbs)

Instead of:

Max Load Single 2800kg (6175 lbs) at 760 kPa (110 psi) cold

Max Load Dual 2575 kg (5675 lbs) at 760 kPa (110 psi) cold

Of the 385 noncompliant tires, approximately 283 tires may have been delivered to end-users. The remaining tires have been isolated in Michelin's warehouses and will be brought into full compliance with the requirement of FMVSS No. 119 or scrapped.

Michelin does not believe that this marking error will impact motor vehicle safety because the tires meet all other Federal motor vehicle safety performance standards. The routine source of tire inflation pressure is not the tire sidewall marking. Typically the proper inflation pressures are obtained from the vehicle placard, the vehicle owner's manual, or tire industry standards publications. Thus, the proper inflation is readily available to the user.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with FMVSS No. 119, paragraph S6.5, is whether the consumer can reference the maximum load rating and corresponding inflation pressure information for a particular tire. In the case of this noncompliance, the information is marked correctly on one side of the tire while the opposite side has the maximum load stated twice with no corresponding inflation pressure. The consumer can determine the recommended inflation by referring to the fully marked side of the tire if it is facing outwards or from the other sources cited in the preceding paragraph

if the fully marked side it is not facing outwards.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Michelin's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: July 30, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 621X)]

CSX Transportation, Inc. Abandonment Exemption in Marion County, IN

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.61-mile portion of its Sequoia Supply Industrial Track extending from milepost BD–127.19, at the east side of Holmes Street (marked on the ground as milepost BD–126.9), to milepost BD–127.80 (end of track), in Indianapolis, Marion County, IN. The line traverses United States Postal Service Zip Code 46222.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this