

program production. The grantee shall confer with the COTR to verify all media format and language.

b. Additionally, the program materials shall be submitted in the following format for placement on NHTSA's Web site on the World Wide Web.

- Original application format, for example, \*pm5; \*doc; \*ppt; etc.
- HTML level 3.2 or later.
- A PDF file for viewing with Adobe Acrobat.

c. All HTML deliverables must be delivered on either a standard 3.5" floppy disk or on a Windows 95 compatible formatted Iomegal zip disk and labeled with the following information:

- Grantee's name and phone number.
- Names of relevant files.
- Application program and version used to create the file(s).
- If the files exceed the capacity of a high density floppy, a Windows 95 compatible formatted Iomega zip disk is acceptable.

d. Graphics must be saved in Graphic Interchange Format (GIF) or Joint Photographic Expert Group (JPEG). Graphics should be prepared in the smallest size possible, without reducing the usefulness or the readability of the figure on the screen. Use GIF for solid color or black and white images, such as bar charts, maps, or diagrams. Use JPEG (highest resolution and lowest compression) for photographic images having a wider range of color or grey-scale tones. When in doubt, try both formats and use the one that gives the best image quality for the smallest file size. Graphic files can be embedded in the body of the text or linked from the body text in their own files: the latter is preferable when a figure needs to be viewed full screen (640 x 480 pixels) to be readable.

- Tabular data must be displayed in HTML table format.
- List data must be displayed in HTML list format.
- Pre-formatted text is not acceptable.
- Currently, frames are not acceptable.

• JAVA, is used, must not affect the readability or usefulness of the document, only enhance it.

• Table background colors may be used, but must not be relied upon (for example, a white document background with a table with colored background may look nice with white text, but the colored background doesn't show up on the user's browser the text shall be white against white and unreadable.)

• All HTML documents must be saved in PC format and tested on a PC before delivery.

e. During all phases of program development, draft program contents

and materials shall be provided to the COTR, as appropriate, for approval and coordination within NHTSA.

f. All HTML deliverables rendered under this cooperative agreement must comply with the accessibility standards at 36 CFR 1194.22 which implements section 508 of the Rehabilitation Act of 1973, as amended. This standard is available for viewing at the Access Board Web site at: <http://www.access-board.gov/sec508/guide/1194.22.htm>. Unless otherwise indicated, the grantee agrees by signing this cooperative agreement that all deliverable will comply with the accessibility standards.

g. Final project briefing to NHTSA and a presentation to a national meeting: The grantee will deliver a briefing in Washington, DC at NHTSA's offices to the COTR and appropriate NHTSA staff to review the project implementation, evaluations, and results. This presentation shall last no less than 30 minutes and the grantee shall be prepared to answer questions from the briefing's attendees.

In consultation with the COTR, the grantee will attend a national meeting to deliver a presentation of the project and its effectiveness.

h. The Grantee will deliver an electronic Microsoft PowerPoint presentation that NHTSA staff shall be able to use to brief senior staff or pedestrian partners at various meetings and conferences.

3. During the effective performance period of the cooperative agreements awarded as a result of this announcement, the agreements shall be subject to the National Highway Traffic Safety Administration's General Provisions for Assistance Agreement, dated July 1995.

Issued on: May 20, 2003.

**Marilena Amoni,**

*Associate Administrator for Program Development and Delivery.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-13895; Notice 2]

#### Michelin North America, Inc., Grant of Application for Decision That a Noncompliance Is Inconsequential to Motor Vehicle Safety

Michelin North America, Inc., (Michelin) has determined that approximately 750 size 215/55R16 Energy MXV4 Plus tires do not meet the

labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

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 December 3, 2002, in the **Federal Register** (67 FR 72026). NHTSA received no comment on this application.

Michelin's Ardmore, Oklahoma plant produced approximately 750 tires with incorrect markings during the period from March 13, 2002, through March 27, 2002. The tires were marked: "Tread Plies: 1 Polyester + 2 Steel + 1 Polyamide, Sidewall Plies: 1 Polyester." The correct marking required by FMVSS No. 109 is: "Tread Plies: 2 Polyester + 2 Steel + 1 Polyamide, Sidewall Plies: 2 Polyester."

The labeling requirements of FMVSS No. 109, *New Pneumatic Tires*, S4.3, paragraphs (d) and (e), mandate that each tire 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. Also, each tire must be labeled with the generic name of each cord material used in the sidewall and tread.

Michelin stated that the noncompliant tires were actually constructed with more sidewall and tread plies than indicated on the sidewall marking (two tread and sidewall plies rather than one). Michelin believes that this noncompliance is particularly unlikely to have an adverse impact on motor vehicle safety and is "clearly" inconsequential to motor vehicle safety. Michelin stated that the noncompliant tires meet or exceed all performance requirements of FMVSS No. 109 and will have no impact on the operational performance or safety of vehicles on which these tires are mounted.

The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act (Public Law 106-414) required, among other things, that the agency initiate rulemaking to improve tire label information. In response, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222). The agency received more than 20 comments on the tire labeling information required by 49 CFR sections 571.109 and 119, part 567, part

574, and part 575. With regard to the tire construction labeling requirements of FMVSS 109, S4.3, paragraphs (d) and (e), most commenters indicated that the information was of little or no safety value to consumers. However, according to the comments, when tires are processed for retreading or repairing, it is important for the retreader or repair technician to understand the make-up of the tires and the types of plies. This enables them to select the proper repair materials or procedures for retreading or repairing the tires. A steel cord radial tire can experience a circumferential or "zipper" rupture in the upper sidewall when it is operated underinflated or overloaded. If information regarding the number of plies and cord material is removed from the sidewall, technicians cannot determine if the tire has a steel cord sidewall ply. As a result, many light truck tires will be inflated outside a restraining device or safety cage where they represent a substantial threat to the technician. This information is critical when determining if the tire is a candidate for a zipper rupture. In this case, since the steel cord construction is properly identified on the sidewall, the technician will have sufficient notice.

In addition, the agency conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire labeling beyond the tire brand name, tire size, and tire pressure.

Based on the information obtained from comments to the ANPRM and the consumer focus groups, we have concluded that it is unlikely that the majority of consumers have been influenced by the tire construction information (number of plies and cord material in the sidewall and tread plies) provided on the tire label when deciding to buy a motor vehicle or tire.

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. This labeling noncompliance has no effect on the performance of the subject tires.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Accordingly, its application is granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

Issued on: May 23, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-13539 Filed 5-29-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### International Standards on the Transport of Dangerous Goods; Public Meetings

**AGENCY:** Research and Special Programs Administration (RSPA), Department of Transportation.

**ACTION:** Notice of public meetings.

**SUMMARY:** This notice is to advise interested persons that RSPA will conduct public meetings in preparation for and to report the results of the 23rd session of the United Nations' Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCOE) to be held June 30–July 4, 2003 in Geneva, Switzerland.

**DATES:** June 18, 2003, 9:30 a.m.–12:30 p.m., Room 3200–3204; July 16, 2003, 9:30 a.m.–12:30 p.m., Room 3200–3204.

**ADDRESSES:** Both meetings will be held at DOT Headquarters, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bob Richard, International Standards Coordinator, or Mr. Duane Pfund, Assistant International Standards Coordinator, Office of Hazardous Materials Safety, Department of Transportation, Washington, DC 20590; (202) 366-0656.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the first meeting will be to prepare for the 23rd session of the UNSCOE and to discuss draft U.S. positions on UNSCOE proposals. The primary purpose of the second meeting will be to provide a briefing on the outcome of the UNSCOE session and to prepare for the 24th session of the UNSCOE. Topics to be covered during the public meetings include: (1) Harmonization of the Recommendations on the Transport of Dangerous Goods with the Globally Harmonized System of Classification and Labeling of Chemicals, (2) Hazards to the aquatic environment, (3) Procedures for incident reporting, (4) Evaluation of the United Nations packaging requirements, (5) Transport of Dangerous Goods in limited quantities and consumer commodities, (6) Miscellaneous proposals related to listing and

classification and the use of packagings and tanks. The public is invited to attend without prior notification. Due to the heightened security measures participants are encouraged to arrive early to allow time for security checks necessary to obtain access to the building.

### Documents

Copies of documents for the UNSCOE meeting and the meeting agenda may be obtained by downloading them from the United Nations Transport Division's Web site at: <http://www.unece.org/trans/main/dgdb/dgsubc/c32002.html>. This site may also be accessed through RSPA's Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/intstandards.htm>. RSPA's site provides additional information regarding the UNSCOE and related matters such as a summary of decisions taken at the 22nd session of the UNSCOE.

**Frits Wybenga,**

*Deputy Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 03-13491 Filed 5-29-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34345 (Sub-No. 1)]

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

**AGENCY:** Surface Transportation Board.

**ACTION:** Petition for partial revocation.

**SUMMARY:** The Board, under 49 U.S.C. 10502, exempts the trackage rights arrangement described in STB Finance Docket No. 34345<sup>1</sup> to permit the trackage rights to expire on or about

<sup>1</sup> On April 25, 2003, The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by Union Pacific Railroad Company (UP) to grant limited overhead trackage rights to BNSF over UP lines between Port Chicago, CA, at milepost 41.3 on UP's Tracy Subdivision, and Stege, CA, at milepost 9.3 on UP's Martinez Subdivision, a distance of approximately 28.7 miles—6.3 on the Tracy Subdivision and 22.4 miles on the Martinez Subdivision. See *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34345 (STB served May 15, 2003). The trackage rights operations under the exemption were scheduled to begin on May 2, 2003.