

movement shall be protected by either; an individual riding an adapter unit (couplermate bogie) specifically designed to be ridden, or by an individual walking with the movements and the speed of the move shall not exceed that of the individual walking.

14. Maximum speed of a RoadRailer train is 60 MPH, unless the RoadRailer units are equipped with AAR-1 B narrow flange profile (#40 taper) and maintained in that condition whereby the maximum speed shall be 70 MPH.

15. Piston travel at initial terminal shall be 1.25 to 3.5 inches.

16. The air brake shall be considered ineffective at 3-5/8 inches piston travel.

17. UPRR shall ensure that adequate records are maintained to demonstrate all personnel (including contractors) responsible for assembly, inspection, testing, maintenance and operation of RoadRailer equipment have been trained and qualified to perform those duties prior to undertaking them, including instruction in the provisions of this waiver pertinent to their duties. Training for railroad operating and mechanical personnel, who may encounter the equipment, shall specifically include training necessary to provide for their personal safety when working on or in proximity to the equipment. Supervisors shall also possess the knowledge and skills required of employees subject to their direct supervision. Effective coincident with compliance dates established for revisions to 49 CFR part 232, all personnel required to receive training subject to this condition shall have their qualifications for duties, related to RoadRailer equipment, documented in the same manner provided in that part.

18. UPRR shall ensure that adequate records are maintained to demonstrate the current qualification status of all personnel assigned to operate, inspect, test, and maintain RoadRailer equipment.

19. UPRR supervisors or their representatives shall exercise oversight or undertake contractual arrangements to ensure that all tasks and maintenance/repair practices are performed in accordance with the railroad's written procedures, applicable standards and recommended practices of the AAR, current AAR interchange rules, and all applicable Federal Regulatory requirements.

20. UPRR shall immediately report any accident, incident or injury involving this equipment to FRA's Office of Safety Assurance and Compliance in Washington, DC.

21. FRA will reserve the right to modify or rescind this waiver at any time upon receipt of information

pertaining to the safety of rail operations or in the event of non-compliance with any of the conditions of this waiver.

22. UPRR requests that this waiver is effective for a five-year period from the date of approval of the requested waiver and FRA will reserve the right to extend the waiver if petition having been made and conditions warrant. UPRR will make a written request for an extension of the five-year period to the FRA's Office of Safety Assurance and Compliance within six months of the granted expiration date.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition docket Number FRA-2004-17565) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Washington, DC 20590-0001. FRA will consider communications received within 30 days of the date of this notice before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronics form of all comments received into any of our dockets by 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 Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC on May 19, 2004.

**Grady C. Cothen, Jr.,**

*Acting Associate Administrator for Safety.*

[FR Doc. 04-11699 Filed 5-24-04; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

[Docket Number FRA-2004-17688]

*Applicant:* Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179-1000.

The Union Pacific Railroad Company (UP) seeks approval of the proposed modification of the traffic control system, on the two main tracks at Endicott, Nebraska, milepost 180.3, on the Marysville Subdivision, Council Bluffs Area. The proposed changes consist of the following:

1. Removal of three power-operated switches, No's. 1A, 1B, and 2;
2. Removal of five associated controlled signals, No's. 1E, 2E, 1W, 2W, and BNSF 1W;
3. Removal of the Approach "D" signals on the BNSF track;
4. Conversion of the No. 3 power-operated switch to hand operation;
5. Conversion of the eastbound No. 2E signal, to an absolute entrance signal, in lieu of a switch lock; and
6. Installation of eastbound and westbound back-to-back controlled signals on both main tracks.

The reason given for the proposed changes is that the crossover and switches were installed to replace a diamond crossover. The BNSF is taking their north connecting track out of service, so the control point with the crossover is no longer needed.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding.

Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA wishes to inform all potential commenters 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 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>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on May 19, 2004.

**Grady C. Cothen, Jr.,**

*Acting Associate Administrator for Safety.*

[FR Doc. 04-11697 Filed 5-24-04; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Maritime Security Act of 2003, Subtitle D—National Defense Tank Vessel Construction Assistance

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice of conference call.

**SUMMARY:** The purpose of the notice is to advise interested parties of a conference call to be hosted by the Maritime Administration to address certain issues regarding the Request for

Competitive Proposals (RFP) for the construction of up to five new tank vessels. The RFP is available on the Internet at <http://www.fedbizopps.gov> and <http://www.marad.dot.gov> and hard copies of the RFP are available in the Office of the Secretary, Maritime Administration.

#### FOR FURTHER INFORMATION CONTACT:

Gregory V. Sparkman or Edmond J. Fitzgerald, Office of Insurance and Shipping Analysis, Maritime Administration, Room 8117, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-2400; Fax: (202) 366-7901.

#### SUPPLEMENTARY INFORMATION:

On February 20, 2004, the Maritime Administration formally solicited competitive RFPs for the construction of up to five new product tank vessels necessary to meet the commercial and national security needs of the United States and to be built with assistance under subtitle D of the Maritime Security Act of 2003. In response to certain questions raised by industry representatives, the Maritime Administration has decided to host a public conference call to provide additional information, have further discussion and answer any outstanding questions related to the new tanker program. The conference call is open to all interested parties and will be held on May 26, 2004 in two parts:

- From 3:30 to 4:30 p.m. for vessel owners/operators
- From 4:30 to 5:30 p.m. for shipyards

To participate, contact Edmond Fitzgerald or Greg Sparkman at (202) 366-2400 for specific instructions. Please note that each call is limited to 30 participants.

**Authority:** 49 CFR 1.66

By Order of the Maritime Administrator

Dated: May 19, 2004.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 04-11746 Filed 5-24-04; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-17903; Notice 1]

#### Kumho Tire Co., Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Kumho Tire Co., Inc. (Kumho) has determined that certain tires it produced in 2003 and 2004 do not comply with

S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New pneumatic tires." Kumho has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Kumho has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Kumho's petition 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 petition.

A total of approximately 2656 tires are involved. These include 324 size 255/50R17 tires and 2332 size 255/45R17 tires. The tires are marked "Tread: Rayon 2 + Steel 2 + Nylon 2, Sidewall: Rayon 2," when the correct stamping would be "Tread: Polyester 2 + Steel 2 + Nylon 2, Sidewall: Polyester 2." Paragraph S4.3 of FMVSS No. 109 requires "each tire shall have permanently molded into or onto both sidewalls \* \* \* (d) The generic name of each cord material used in the plies \* \* \* of the tire; and (e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different."

Kumho states that it uses rayon and polyester body ply construction to meet the preferences of the North American and European markets, and that rayon is popular in the European market while polyester is more popular in the North American market. Kumho explains that for sizes sold in both markets, either material may be used, and the two sizes which are the subject of this petition have North American construction and European stamping.

Kumho states that the 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. Therefore, Kumho believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted.

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.,