

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA 2002-13743; Notice 1]

**Continental Tire North America Inc., Receipt of Application for Decision of Inconsequential Noncompliance**

Continental Tire North America Inc., (Continental) has determined that a total of 159 P265/70R16 AmeriTrac SUV Radial Passenger Tires and 7,131 P265/70R16 ContiTrac SUV Radial Tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires." The noncompliant tires were produced during the periods March 11-24, 2001, and May 14, 2000-March 24, 2001, respectively.

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 petitioner argued as follows: FMVSS No. 109 (S4.3.4(b)) requires both the maximum load in kilograms and pounds be molded on the tires sidewall. The rated maximum kilogram load was incorrectly marked 1190 kg rather than 1090 kg. The rated maximum load in pounds was marked correctly. These tires are primarily sold in the domestic replacement market, where the load in pounds would be the predominant consumer unit of measurement.

Continental stated that test results confirm that the subject tires meet other test requirements of FMVSS No. 109 and support the petition of an inconsequential stamping error, which does not effect performance and is not safety related.

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: December 16, 2002.

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

Issued on: November 12, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 02-29066 Filed 11-14-02; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Finance Docket No. 34274]

**Illinois Central Railroad Company—Trackage Rights Exemption—Union Pacific Railroad Company**

Union Pacific Railroad Company (UP), pursuant to a written trackage rights agreement to be entered into with Illinois Central Railroad Company (IC),<sup>1</sup> will grant nonexclusive overhead trackage rights to IC over UP's Salem Subdivision extending from milepost 242.85 at Kinmundy, IL, to milepost 252.96 at Salem, IL, a distance of approximately 10.11 miles.

The transaction was scheduled to be consummated no earlier than November 4, 2002, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the trackage rights is to grant IC the right to use the trackage for overhead operation of freight trains between Kinmundy and Salem and for the interchange of carload traffic with UP at Salem.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

<sup>1</sup> IC is a wholly owned subsidiary of Canadian National Railway Company.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34274, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Michael J. Barron, Jr., 455 North Cityfront Plaza Drive, Chicago, IL 60611-5317.

Board decisions and notices are available on our Web site at 'WWW.STB.DOT.GOV.'

Decided: November 8, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-29081 Filed 11-14-02; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF TRANSPORTATION****Bureau of Transportation Statistics**

[Docket BTS-2002-13790]

**Notice of Request To Renew Approval of Information**

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT

**ACTION:** Notice and request for comments.

*Collection:* OMB No. 2139-0003 (Financial and Operating Statistics for Motor Carriers of Passengers).

*OMB Control Numbers:* 2139-0003 (Form MP-1, Quarterly and Annual Reports).

**SUMMARY:** This notice announces that the Bureau of Transportation Statistics (BTS) intends to request the Office of Management and Budget (OMB) to renew approval for the information collection, the Annual and Quarterly Reports for Class I Motor Carriers of Passengers (Form MP-1). This information collection is necessary to ensure that motor carriers comply with financial and operating statistics requirements as prescribed in the BTS regulations (49 CFR 1420). This notice is required by the Paperwork Reduction Act (PRA).

**DATES:** January 14, 2003.

**ADDRESSES:** Send comments to the U.S. Department of Transportation, Dockets Management System (DMS). You may submit your comments by fax, Internet, in person or via the U.S. mail to the Docket Clerk, Docket No. BTS-2002-13790, Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC 20590-0001. Please note that in case of delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that