

In accordance with the National Environmental Policy Act, the Draft EIS will be prepared with required engineering design and environmental studies. These studies are necessary to propose a preferred alternative and to complete the document. After its publication, the Draft EIS will be available for public and agency review and comments, and a public hearing will be held. On the basis of the Draft EIS and the comments received, a preferred alternative will be selected and preparation of the Final EIS and Record of Decision will proceed.

FHWA, CDOT and other local agencies invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, or environmental issues related to the proposed alternatives. Information describing the purpose of the project, the proposed alternatives, the areas to be evaluated, the citizen involvement program, and the preliminary project schedule will be available. These scoping materials may be requested by contacting Ms. Cecelia Joy at the address and phone number above. Scoping comments may be made verbally or in writing to Ms. Joy and at future public meetings. Refinements to scoping will continue through coordination with affected parties, organizations, federal, state and local agencies and one-on-one meetings.

Information describing the status of the project and soliciting comments will be sent to appropriate Federal, State, local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal.

The public will receive notices on location and time of future meetings and public hearings through newspaper advertisements and other means.

To ensure that a full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. If you wish to be placed on the mailing list to receive further information as the project develops, contact Ms. Cecelia Joy at the address above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Issued on: May 18, 1999.

Ronald A. Sperl,

Environmental/ROW Manager, Colorado Division, Federal Highway Administration, Lakewood, Colorado.

[FR Doc. 99-13610 Filed 5-27-99; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-5014; notice 2]

Bridgestone/Firestone, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Bridgestone/Firestone, Inc. (Bridgestone) determined that certain tires manufactured in 1998 of various sizes and brands are not in full compliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Bridgestone also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Although the applicant stated this was a noncompliance with FMVSS No. 119, NHTSA considers this to be a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 109, New pneumatic tires. On March 2, 1999, the agency received a letter from Bridgestone concurring that the relevant standard is indeed FMVSS No. 109.

Notice of receipt of the application was published, with a 30-day comment period, on February 15, 1999, in the **Federal Register** (64 FR 6937). NHTSA received no comments on this application during the 30-day comment period.

Paragraph S4.3.2 of FMVSS No. 109 requires each tire to be marked in accordance with Part 574, Tire Identification and Recordkeeping. If a tire lacks this correct information, it fails to comply with FMVSS No. 109 and is subject to the notification and remedy requirements of Chapter 301, unless exempted pursuant to 49 U.S.C. 30118(d) and 30120(h) on grounds of inconsequentiality.

On December 12, 1998, Bridgestone produced approximately 1,389 tires with an incorrect date code. The affected tires were marked incorrectly with a date code of "509," instead of the correct date code of "508." The tires

were manufactured at Bridgestone's Oklahoma City Plant.

Bridgestone supports its application for inconsequential noncompliance by stating that all of the tires manufactured in the affected sizes and brands meet all the agency's requirements, except the correct date code. The purpose of the date code is to identify a tire so that, if necessary, the appropriate action can be taken in the interest of public safety—such as, a safety recall notice.

The agency believes that in the case of a tire labeling noncompliance, the true measure of its inconsequentiality to motor vehicle safety is whether the mislabeling would affect the manufacturer's ability to locate them, if the tires were to be recalled for a performance-related noncompliance. Bridgestone has stated that it will include the 509 code in any future recall of tires manufactured in its Oklahoma City plant during the 50th week of 1998. In addition, the tires meet all of the agency's safety performance requirements.

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

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: May 25, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-13645 Filed 5-27-99; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA-99-5143 (Notice No. 99-7)]

Hazardous Materials Transportation Advisory; Year 2000 (Y2K) Conversion

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Year 2000 (Y2K) enforcement policy advisory notice.

SUMMARY: Because many elements of the nation's transportation system rely on computers, computerized equipment, and electronic databases, the year 2000 may see potential problems and disruptions that could have an adverse

impact on transportation safety or result in unnecessary delays and additional costs. RSPA believes that most, if not all, of these potential problems and disruptions may be avoided by taking relatively simple steps to determine whether currently operating computer systems will misinterpret the year "00" as 1900, rather than 2000. The purpose of this notice is to advise persons performing functions subject to the Hazardous Materials Regulations (HMR) that RSPA does not intend to reduce civil penalties for violations of the HMR or withdraw notices of probable violation, unless the responsible party is able to demonstrate a timely and appropriate level of effort to identify and prevent such occurrences. This notice also provides information on Y2K resources.

FOR FURTHER INFORMATION CONTACT: Mr. John J. O'Connell, Jr., (202) 366-4700, Office of Hazardous Materials Enforcement or Mr. Edward H. Bonekemper, III, (202) 366-4400, Office of the Chief Counsel, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:

Background. The Year 2000 (Y2K) issue arises because a number of computerized functions require recognition of a specific year, day, and time, but many computers (including computerized equipment) recognize only the last two digits of a year's date (i.e., 1998 is 98; 2000 is 00). Therefore, when the calendar changes to the year 2000, some computers and some equipment with an embedded computer chip, may have difficulty interpreting the correct date. They may interpret the year to be 1900 or some other year. As a result, some computers and equipment containing embedded computer chips may be unable to function properly. Others may continue to operate, but erroneously, while others simply may stop and need to be restarted. Some systems may create data that look correct, but in reality contain errors, while other systems may continue to operate correctly.

In addition, some technical experts warn that certain computer-related systems may have trouble functioning properly on more than a dozen other dates arising over the next two years. For example, the digital representation of September 9, 1999, 9/9/99 ("four 9s"), may be interpreted as the end of a file or infinity, and, thus, may have unintended consequences. This policy statement also encompasses concerns over computer-related testing problems that may arise as a result of any of the dozen or more dates. Together, these dates are referred to as "Y2K."

Enforcement policy. Under delegations from the Secretary of Transportation, RSPA has broad authority to issue and enforce rules and regulations governing the safe transportation of hazardous materials (49 CFR Part 1) (49 U.S.C. § 5101 *et seq.*). RSPA shares enforcement authority of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) with DOT's four modal administrations (U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, and Federal Railroad Administration). RSPA has primary enforcement jurisdiction in regard to the manufacture, fabrication, marking, maintenance, reconditioning, repair, testing, or retesting of any packaging which is represented, marked, certified, or sold for use in the transportation of hazardous materials, including any United Nations standard or DOT specification or exemption packaging (except with respect to modal-specific bulk containers, which are the responsibility of the applicable modal administration). RSPA also has jurisdiction over any violation of an exemption or approval issued under Federal hazardous materials transportation law, and over any offerer of any hazardous material for transportation in a packaging other than a modal-specific bulk packaging.

Under subpart D of part 107, Title 49, Code of Federal Regulations, a respondent in a RSPA civil penalty action may propose a compromise to a notice of probable violation or may request a formal administrative hearing. RSPA's Chief Counsel, in consultation with the Associate Administrator for Hazardous Materials Safety, has discretion to reduce proposed civil penalties or dismiss the notice of probable violation when the respondent presents evidence justifying mitigation or dismissal.

RSPA's Chief Counsel, in consultation with RSPA's Associate Administrator for Hazardous Materials Safety, will not reduce a proposed civil penalty, dismiss a violation, or withdraw the notice of probable violation if the proposed violation is based on a Y2K-related equipment or process malfunction unless the responsible party is able to demonstrate an appropriate level of effort to avoid a Y2K problem prior to the occurrence of the violation.

Emphasis on Testing. RSPA strongly urges all persons performing functions subject to the HMR to test their computer systems for Y2K vulnerability, and to establish contingency plans should Y2K problems result in critical functions shutting down or malfunctioning. Public safety requires

compliance with the HMR. The regulated community, therefore, must take appropriate steps necessary to anticipate and resolve potential safety compliance problems that may result from Y2K-related problems. In an effort to ensure timely compliance, RSPA's intent in adopting this enforcement policy is to promote the necessary and early testing of computer systems. RSPA is committed to encouraging and enforcing full adherence to safety requirements regardless of potential Y2K-related problems.

Examples of potential Y2K-related problems that may lead to noncompliance with requirements of the HMR include the following:

- Packaging fabrication machinery that may produce containers intended for use in hazardous materials transportation service that do not conform to specifications;
- Packaging testing equipment that may produce erroneous data concerning a container's ability to meet standards;
- In-house telephone switching equipment that may mis-route calls made to an emergency response telephone number for use in event of an emergency involving a hazardous material;
- Failure of a remote terminal to immediately access a record that is permitted to be maintained at a party's principal place of business; and
- Use of non-Y2K compliant electronic data bases that track due dates, including those addressing—
 1. Requalification of compressed gas cylinders,
 2. Renewal of hazardous materials training for hazmat employees, and
 3. Renewals for certain exemptions, approvals or registrations issued under the HMR.

Y2K Information Resources. As part of its efforts to avoid transportation safety related problems arising from Y2K, RSPA's hazardous materials safety internet site. (<http://hazmat.dot.gov/y2k.htm>) contains information, and links to sites on the worldwide web, that persons subject to requirements of the HMR may find useful to the identification of potential problems and strategies for resolving those problems.

Issued in Washington, D.C. on May 24, 1999.

Alan I. Roberts,
Associate Administrator for Hazardous Materials Safety.

Elaine E. Joost,
Acting Chief Counsel.

[FR Doc. 99-13644 Filed 5-27-99; 8:45 am]

BILLING CODE 4910-60-M