

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Environmental Impact Statement:
Gasconade and Montgomery Counties,
MO**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed replacement of the Missouri Route 19 bridge and appurtenant roadways/structures over the Missouri River at Hermann in Gasconade and Montgomery Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Donald Neumann, Programs Engineer, FHWA Division Office, 209 Adams St., Jefferson City, MO 65101, Telephone: (573) 636-7104 or Phil Broyles, District Engineer, Missouri Department of Transportation, P.O. Box 1067, Hannibal, MO 63401, Telephone: (573) 248-2490.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT), will prepare an EIS on a proposal to reconstruct the Missouri Route 19 bridge and appurtenant roadways/structures over the Missouri River at Hermann in Gasconade and Montgomery Counties, Missouri. The United States Army Corps of Engineers and the United States Coast Guard are expected to be cooperating agencies on this project.

The study area is roughly bounded by Missouri Route 94 one mile north of the existing bridge, a point two miles south of the bridge, and 1.5 miles east and west of the bridge.

Reconstructing the Missouri Route 19 bridge is being considered to provide a safe and efficient crossing of the Missouri River. The existing bridge, which was constructed in 1922, is considered structurally deficient. It has a sufficiency rating of 18 on a scale of 100. MoDOT considers bridges with sufficiency ratings below 50 as candidates for replacement. Alternatives under consideration include (1) no build; (2) build adjacent to the existing bridge; (3) build a new bridge east or west of the existing structure.

Information describing the proposed action and solicitation for comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. As part of

the scoping process, an interagency coordination meeting will be held. Agencies having an interest in, or jurisdiction regarding the proposed action will be contacted regarding the date and location of the meeting. Public meetings, information centers and advisory committee meetings will be held to solicit public and agency input on the reasonable range of alternatives. In addition, a public hearing will be held to present the findings of the draft EIS (DEIS). Public notice will be given announcing the time and place of the public meetings and hearing. The DEIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MoDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12373 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued: May 15, 1998.

Donald L. Neumann,

Programs Engineer, Jefferson City.

[FR Doc. 98-13974 Filed 5-26-98; 8:45 am]

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

[Docket No. NHTSA-97-3154]

**Cooper Tire & Rubber Company; Grant
of Application for Decision of
Inconsequential Noncompliance**

Cooper Tire & Rubber Company (Cooper) of Findlay, Ohio has determined that some of its tires fail to comply with the labeling requirements of 49 CFR Part 574 "Tire Identification and Recordkeeping," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Cooper has 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 expresses noncompliance with Part 574, NHTSA considers this to be a noncompliance with Federal Motor Vehicle Safety

Standard (FMVSS) No. 119, New pneumatic tires for vehicles other than passenger cars. Paragraph S6.5(b) of FMVSS No. 119 requires each tire to be marked with a "tire identification number" required by Part 574 of this chapter. If a tire lacks this number, it fails to comply with FMVSS No. 119 and is subject to notification and remedy.

Notice of receipt of the application was published, with a 30-day comment period, on December 17, 1997, in the **Federal Register** (62 FR 66176). NHTSA received no comments on this application during the 30-day comment period.

In § 574.5(d) Fourth Grouping, the manufacturer is required to identify the week and year of manufacture of tires using three symbols. The first two symbols identify the week of the year using "01" for the first full calendar week in each year. The third symbol identifies the year. The purpose of this information is to facilitate the notification of dealers, distributors, and purchasers regarding defective or non-conforming tires, pursuant to Sections 30118 and 30119 of Title 49, United States Code, so that the appropriate remedial action can be taken in the interest of public safety.

During the thirty-second week of 1997, Cooper produced and inadvertently shipped twenty-eight (28) tires without the date code. This occurred after the tires originally were labeled with the correct date code upside-down; Cooper removed the improperly oriented date code by buffing. The tires were then inadvertently shipped with only the identification of "DOT UPOP"—where "UP" is the identification code for Cooper's Findlay plant and "OP" is the identification of the tire size. The subject tires are Cooper SRM Radial LT 215/85R16, Load Range D.

Cooper supports its application for inconsequential noncompliance with the following:

"The incomplete DOT identification code on each tire does not present a safety-related defect."

"The involved tires are capable of being registered with UPOP. They have a unique DOT identification which would permit Cooper to notify the purchasers of these tires, if properly registered, should they be recalled for other reasons."

"The involved tires produced from this mold during the aforementioned production period comply with all other requirements of 49 CFR 571.119 and 574.5."

The agency has reviewed Cooper's application and believes this labeling noncompliance is inconsequential to motor vehicle safety. This mislabeling

involves an inadvertently omitted date code containing the week and year of manufacture designation.

The agency believes that in the case of a tire mislabeling noncompliance, such as this, the true measure of its inconsequentiality to motor vehicle safety is, if the tires were to be recalled for a performance-related noncompliance, that was consequential to safety, whether the mislabeling would affect the manufacturers's ability to locate them. Cooper states that in the event of recall, the non-complying tires have a unique DOT identification (i.e., the lack of a date code) that would allow Cooper to notify the purchasers, if the tires have been properly registered by the retailer or the purchaser. Therefore, if the need arises, identifying the subject tires for any future recalls should not present a problem.

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 20, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98-14002 Filed 5-26-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33596]

Capital Metropolitan Transportation Authority—Acquisition Exemption—City of Austin, TX

Capital Metropolitan Transportation Authority (Capital Metro),¹ a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire the City of Austin's Giddings-Llano line, a 162 mile continuous railroad right-of-way (including spurs), extending from SPTC milepost 57.00/AUNW milepost 0, near Giddings, TX, to SPTC milepost 99.04/AUNW milepost 154.07, near Llano, TX, including the Marble Falls Branch from milepost 6.2/AUNW milepost 61.2, near Marble Falls, TX, to SPTC milepost 0.0/AUNW milepost 124.7, near Fairland, TX.²

¹ Capital Metro is the Austin, TX, regional transit authority, a body corporate and political subdivision of the State of Texas.

² Capital Metro states that the line will continue to be operated by the Central of Tennessee Railway

The transaction is expected to be consummated on May 22, 1998.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33596, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Monica J. Palko, Esq., Bracewell & Patterson, L.L.P., 2000 K Street, N.W., Suite 500, Washington, D.C. 20006.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 20, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98-13963 Filed 5-26-98; 8:45 am]

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& Navigation Company, Inc. d/b/a the Longhorn Railway.