

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation project in Santa Fe County, New Mexico in accordance with 23 CFR 771.

**FOR FURTHER INFORMATION CONTACT:** Reuben S. Thomas, Division Administrator, Federal Highway Administration, 604 W. San Mateo, Santa Fe, NM 87505, Telephone: (505) 820-2022.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the New Mexico State Highway and Transportation Department, will prepare an environmental impact statement (EIS) on a proposal to make improvements to US 84/US 285 in Santa Fe County, New Mexico. The segment of US 84/US 285 under study is the major route connecting the State capital, Santa Fe, to destinations in northern New Mexico, including residential, recreation, commercial, cultural and historic areas. In the immediate area are the cities of Los Alamos, home of Los Alamos National Laboratory, and Espanola, the Pueblos of Pojoaque, Tesuque, and Nambe, numerous small surrounding communities, such as Tesuque and Cuyamungue, Santa Fe Ski Area, Santa Fe National Forest, and Bandelier National Monument.

The study area for the US 84/US 285 project is from Alamo Drive in Santa Fe to Viarrial Street in the Pueblo of Pojoaque, a distance of 22.5 kilometers or 14.0 miles. This portion of the highway traverses four political areas and portions of the City of Santa Fe, Santa Fe County, Pueblo of Tesuque, and Pueblo of Pojoaque.

The study corridor is currently a four-lane divided, partly suburban and partly rural highway with uncontrolled and unrestricted access. Three fundamental problems exist within the project area. These are: (1) capacity problems with current traffic projections; (2) a significantly higher than normal accident rate and consequential congestion associated with these accidents; and, (3) the need to replace aging bridge structures and pavement.

A major investment study scoping meeting was held to comply with metropolitan transportation planning regulations. The MIS will: (1) evaluate the need for improvements, (2) identify the design concept and scope of the needed transportation improvements and (3) evaluate potential transportation alternatives that address the need for improvement. Alternatives for consideration will include the No-Action option and alternatives identified in the major investment

study. Options include, but are not limited to, access control, traffic lights, interchanges, intersection realignment, additional general purpose lanes, frontage roads and park and ride lots.

Informal scoping for the proposal has begun. Comments were solicited from appropriate Native American groups, Federal, State and local agencies and from private organizations and citizens.

Additional public information and formal scoping meetings will discuss our intention to prepare an Environmental Impact Statement and will provide opportunity for public and agency input.

The draft EIS will be made available for Native American, public and agency review and comment. A public hearing will be advertised and held during the review period.

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

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

Issued on June 30, 1994.

Reuben S. Thomas,

*Division Administrator, Santa Fe, NM.*

[FR Doc. 96-24101 Filed 9-19-96; 8:45 am]

**BILLING CODE 4910-22-M**

## **National Highway Traffic Safety Administration**

**[Docket No. 96-068; Notice 2]**

### **Michelin North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance**

This notice grants the application by Michelin North America, Inc. (Michelin) of Greenville, South Carolina, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118, 30120 for a noncompliance with 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires." The basis of the application is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the application was published on June 25, 1996, and an opportunity was afforded for comment (Vol. 61, No. 123 CFR 32896).

## **Background**

Paragraph S4.3(a) of FMVSS No. 109 requires tires to be labeled with one size designation, except that equivalent inch and metric size designations may be used.

Michelin's description of noncompliance follows:

"During the period of the 25th week through the 45th week of 1995, the Ardmore, Oklahoma, plant of Uniroyal Goodrich Tire Manufacturing, a division of Michelin North America, Inc., produced tires with two size designations specified on one sidewall of the tire. Specifically, in the upper sidewall of the tire, in letters 0.44 inches high, the tire was correctly marked as a 205/70R15. The tire was incorrectly marked in the lower sidewall area, in letters 0.25 inches high, as a 205/75R15. This incorrect marking occurred on the side opposite the DOT tire identification number. The correct marking also appears in two places on the side that contains the DOT tire identification number. The markings specified by 49 CFR 571.109 S4.3(a) call for only one size designation. All performance requirements of FMVSS #109 are met or exceeded for these tires.

"Approximately 4,708 205/70R15 BF Goodrich Touring T/A SR4 tires were produced with the aforementioned information on one sidewall of the tire. Of this total, as many as 730 were shipped to the replacement market. The remaining tires have been isolated in [Michelin's] warehouses and will be brought into full compliance with the marking requirements of FMVSS No. 109 or scrapped."

Michelin supported its application for inconsequential noncompliance with the following:

"1. All tires have a paper label, showing the correct size, applied to the tire tread. Tires are generally 'pulled from the rack' based on the paper label. Thus information on the correct tire size for the application would be available.

"2. The tire size is incorrect, in one of four places, only with respect to the aspect ratio (or series), that is 75. Both the section width designation of 205 and the rim diameter code of 15 are correct. The correct maximum load and inflation pressure for the 205/70R15 is molded on both sides of the tire.

"3. The tire size is correctly stamped on both sides in letters 0.44 inch high. Thus attention should be more readily drawn to the correct tire size than to the incorrect size which is in much smaller letters.

"4. When these tires are mounted on the vehicle, the 'clean' side (i.e. the side

without the bar code lines) is mounted out. Thus when mounting these tires on a vehicle, the proper size designation is readily apparent in two places on the sidewall."

Michelin's initial argument did not support its application that the labeling noncompliance was inconsequential with respect to motor vehicle safety. The agency's concern regarding the mislabeling was what bearing the aspect ratio would have on the load-carrying capacity of the tire. In this case, the load

carrying capacity of the tire could be miscalculated by as much as 88 pounds (6%) because of the wrong aspect ratio being printed on the tire. Therefore, during the comment period, NHTSA sought further information from the petitioner on what consequences the alleged noncompliance would have on motor vehicle safety.

The petitioner responded with the following additional information:

- Tests conducted on the mislabeled tires at the higher loads specified for a

205/75R15 tire exceeded all FMVSS No. 109 performance requirements.

- In the unlikely event that the tire would be fitted to a vehicle as a replacement for a 205/75R15, the tire would be able to carry the additional load and exceed all FMVSS No. 109 resistance to bead unseating, strength, endurance, and high speed performance requirements.

A summary of the test results follows:

Test	Tire No.#	Result	Requirement	Comment
High Speed Performance .....	1	5.6 hours .....	5.0 hours .....	429 miles.
	2	5.7 hours .....	5.0 hours .....	437 miles.
Tire Endurance .....	1	56 hours .....	34 hours .....	2800 miles.
	2	56 hours .....	34 hours .....	
Tire Strength .....	1	5131 in-lbs .....	2600 in-lbs (min) .....	Result=min of 5 test values per tire.
	2	4862 in-lbs .....	2600 in-lbs (min) .....	
Resistance to Bead Unseating .....	1	2830 lbs .....	2500 lbs (min) .....	Result=min of 5 test values per tire.
	2	2900 lbs .....	2500 lbs (min) .....	

Michelin reported that all of the tires summarized in the above chart were tested in accordance with the procedures defined in 49 CFR § 571.109. Loading of the tires was based upon a maximum tire load of 1609 pounds for the 205/75R15 instead of the 1521 pound maximum load of the 205/70R15.

#### Comments

No comments were received on the application.

#### Discussion and Recommendation

In response to NHTSA's request, Michelin submitted additional test data in support of its inconsequentiality application. We believe these data more adequately support the application for labeling noncompliance since tests conducted on the mislabeled tires at the higher loads specified for a 205/75R15 tire exceeded all FMVSS No. 109 performance requirements.

Therefore, additional information provided by the petitioner, the petitioner's willingness to bring the remaining tires into full compliance (3,978) with the marking requirements of FMVSS No. 109, or scrap the remaining tires, satisfies our concern that motor vehicle safety will not be compromised.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and the agency grants Michelin's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120.

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

Issued on: September 16, 1996.

L. Robert Shelton,

*Acting Associate Administrator for Safety Performance Standards.*

[FR Doc. 96-24173 Filed 9-19-96; 8:45 am]

BILLING CODE 4910-59-P

#### Research and Special Programs Administration

[Notice Number 96-17]

#### Draft Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material

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

**ACTION:** Notice of document availability and request for comments.

**SUMMARY:** The final draft of the 1996 edition of the Advisory and Explanatory Material for the International Atomic Energy Agency's (IAEA) Regulations for the Safe Transport of Radioactive Material, Safety Series No. 7, is currently available for review and comment. RSPA will be providing comments on the draft document to the IAEA, and will consider input from the public and industry. This draft document supplements the 1996 edition of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6, and includes the explanatory and advisory material which was previously found in two separate documents: Explanatory Material in Safety Series No. 7., and

Advisory Material in Safety Series No. 37.

**DATES:** Comments must be received by October 21, 1996.

**ADDRESSES:** Copies can be obtained from, and comments should be submitted to, the Dockets Unit (DHM-30), Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590-0001; (202) 366-5046; Monday-Friday from 8:00 a.m. to 4:30 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Richard W. Boyle, Chief, Radioactive Materials Branch, Office of Hazardous Materials Technology, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001; (202) 366-4545.

**SUPPLEMENTARY INFORMATION:** On September 23, 1996, RSPA's Dockets Unit will return to Room 8421 of the Nassif Building, 400 Seventh St., SW., Washington, DC, 20590-0001, telephone (202) 366-5046. The draft Safety Series No. 7 will be available on and after that date. The public may view this document between the hours of 8:00 a.m. to 4:30 p.m., Monday-Friday.

Issued in Washington, DC on September 17, 1996 under the authority delegated in 49 CFR part 106.

Robert A. McGuire,

*Deputy Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 96-24182 Filed 9-19-96; 8:45 am]

BILLING CODE 4910-60-M