DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD 2003 16323]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel JUSTICE.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2003–16323 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before November 20, 2003.

ADDRESSES: Comments should refer to docket number MARAD–2003 16323. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel JUSTICE is:

Intended Use: ''Passenger Charters.''

Geographic Region: ''Chesapeake Bay to Florida Coasts and Bahamas.''

Dated: October 15, 2003.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 03–26451 Filed 10–20–03; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–13355; Notice 2]

Bridgestone/Firestone, Decision That Application for Determination That Noncompliance Is Inconsequential to Motor Vehicle Safety Is Moot

Bridgestone/Firestone has advised the National Highway Traffic Safety Administration (NHTSA) that it determined that approximately 4,700 P235/75R15 Dayton Timberline A/T tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New Pneumatic Tires.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bridgestone/Firestone has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on October 7, 2002, in the **Federal Register** (67 FR 62522). NHTSA received no comment on this application.

FMVSS No. 109, S4.3(b) and S4.3(c), require that each tire shall have permanently molded the maximum permissible inflation pressure and the maximum load rating of the tire, respectively. The Sao Paulo, Brazil plant produced noncompliant tires during weeks 40 through and including week 49 of the year 2001. The subject tires were mislabeled as ''Extra Load.'' The actual markings on the subject tires are:

Max load 920 Kg (2028 lbs.) at 300 kPa (44 psi) max press, Extra Load

The correct markings should be:

Max load 920 Kg (2028 lbs.) at 300 kPa (44 psi) max press.

Bridgestone/Firestone believes that the noncompliance is inconsequential as it relates to motor vehicle safety for the following stated reasons: ''First, the subject tires with the exception of the ''Extra Load'' marking meet all the requirements of 49 CFR Part (sic) 109. Second, the subject tires were tested by Bridgestone/Firestone and meet the requirements of high speed, endurance, strength, and bead unseat as defined in 49 CFR Part (sic) 109 for the ''Extra Load'' designation. Third, the subject tires as shipped from the manufacturing plant were identified by tire labels and article number as standard load. Thus, the potential for sale of these tires as ''Extra Load'' is very small.''

This mislabeling does not constitute a noncompliance with FMVSS No. 109. The standard has no requirement that a tire be labeled with the words ''extra load'' even when it is designed to accommodate a greater load than a standard tire of the same size. The correct maximum load rating and the correct maximum inflation pressure are properly molded on the tires. These two values, along with other tire information such as tire size, are used by consumers in selecting replacement tires.

In consideration of the foregoing, NHTSA has decided that the tires in question do not exhibit a noncompliance with an FMVSS. Therefore, Bridgestone/Firestone's petition for an inconsequentiality exemption is moot.

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

Issued on: October 14, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–26509 Filed 10–20–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003–14826; Notice 1]

Nissan North America, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Nissan North America (Nissan) has determined that the side marker lamps in approximately 302,000 model year 2002 and 2003 Nissan Altima vehicles do not meet certain requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices and Associated Equipment.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Nissan 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.'' A copy of this petition can be found in this docket.

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.

FMVSS 108 S5.1.1 specifies that each vehicle shall be equipped with certain lamps and reflective devices. Nissan stated that extensive testing demonstrates that the subject side marker lamps consistently meet the light intensity requirements at the required test points. However, Nissan determined that the front side marker lamps may not meet the requirement to sustain the light intensity when measured between two of the nine test points in a scan test. Nissan believes that the noncompliance of the side lamps does not affect its primary purpose, which is to be sufficiently visible to identify the front edge of the vehicle at night. Nissan stated that the reported noncompliance is inconsequential as it relates to motor vehicle safety.

Its petition may be read by visiting the above mentioned docket using the Docket Management System described below.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted to: U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC, 20590. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically.

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: November 20, 2003.

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

Issued on: October 14, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–26508 Filed 10–20–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34409]

Burlington Shortline Railroad, Inc., d/b/a Burlington Junction Railway—Lease and Operation Exemption—The Burlington Northern and Santa Fe Railway Company

Burlington Shortline Railroad, Inc., d/b/a/ Burlington Junction Railway (BJRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 *et seq.* to lease, from The Burlington Northern and Santa Fe Railway Company (BNSF), and operate two segments of rail line known as (1) the Marblehead line and (2) the Moorman Lead line. The Marblehead line extends approximately 5.13 miles from BNSF milepost 261.32 near Quincy, IL, to BNSF milepost 266.43 near Marblehead, IL. The Moorman Lead line extends 5,100 feet southwesterly from BNSF milepost 258.2 near Quincy.

Consummation of this transaction was expected to occur on or about October 4, 2003.

BJRY certifies that its projected annual revenues as a result of this transaction will not exceed $5 million and that the transaction will not result in the creation of a Class II or Class I rail carrier.

If the verified notice 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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34409, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov.*''

Decided: October 10, 2003.

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

Vernon A. Williams,

Secretary.

[FR Doc. 03–26289 Filed 10–20–03; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34413]

The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Elgin, Joliet & Eastern Railway Company

Pursuant to a written trackage rights agreement dated September 22, 2003, Elgin, Joliet & Eastern Railway Company has agreed to grant certain non-exclusive trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) between EJE milepost 1.6 at Joliet, IL, and EJE milepost 20.6 at Eola, IL, a distance of approximately 19 miles.

Although BNSF states that the transaction was scheduled to be consummated on October 7, 2003, the earliest the transaction could be consummated was October 8, 2003 (7 days after filing the notice).

The purpose of the trackage rights is to allow BNSF to operate more efficiently.

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.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34413, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Michael E. Roper, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, PO Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at ''*http://www.stb.dot.gov.*''

Decided: October 15, 2003.