

key highway, truck, rail and waterside access data and will highlight the access impediments that affect the flow of cargo through U.S. ports and terminals. The annual data received will be used to demonstrate statistically the change in access impediments to the Nation's ports and terminals.

*Annual Estimated Burden Hours:* 81 hours.

*Addressee:* Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Dated: January 21, 2004.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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BILLING CODE 4910-81-P

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. NHTSA-2004-16932]

### Plan for Evaluating the Effectiveness of Vehicle and Behavioral Programs, Calendar Years 2004-2007

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for comments.

**SUMMARY:** This notice announces the publication by NHTSA of its Evaluation Program Plan for Calendar Years 2004-2007. The report describes the agency's ongoing and planned evaluations of its existing Federal Motor Vehicle Safety Standards [49 CFR part 571] and other vehicle-safety, behavioral-safety and consumer programs. It also summarizes the results of completed evaluations. The agency's evaluation program responds to Executive Order 12866, which provides for Government-wide review of existing significant Federal

regulations. This notice solicits public review and comment on the evaluation plan. Comments received will be used to improve the plan.

**DATES:** Comments must be received no later than May 26, 2004.

**ADDRESSES:**

*Report:* The Evaluation Program Plan is available on the Internet for viewing on line in HTML format at <http://www.nhtsa.dot.gov/cars/rules/regrev/evaluate/809699.html> and in PDF format at <http://www.nhtsa.dot.gov/cars/rules/regrev/evaluate/pdf/809699.pdf>. You may obtain a copy of the plan free of charge by sending a self-addressed mailing label to Charles J. Kahane (NPO-321), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

*Comments:* You may submit comments [identified by DOT DMS Docket Number NHTSA-2004-16932] by any of the following methods:

- Web Site: <http://dms.dot.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

- Fax: (202) 493-2251.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

You may call Docket Management at (202) 366-9324 and visit the Docket from 10 a.m. to 5 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Charles J. Kahane, Chief, Evaluation Division, NPO-321, Office of Planning, Evaluation and Budget, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2560. Fax: (202) 366-2559. E-mail: [ckahane@nhtsa.dot.gov](mailto:ckahane@nhtsa.dot.gov).

*For information about NHTSA's evaluations of the effectiveness of existing regulations and programs:* Visit the NHTSA Web site at <http://www.nhtsa.dot.gov> and click "Regulations & Standards" underneath "Car Safety" on the home page; then click "Regulatory Evaluation" on the "Regulations & Standards" page.

**SUPPLEMENTARY INFORMATION:** NHTSA has rigorously evaluated its major programs as a matter of policy since 1970. The evaluation of the effectiveness of the Federal Motor Vehicle Safety Standards (FMVSS) began in 1975. The Government Performance and Results Act of 1993 and Executive Order 12866, "Regulatory Planning and Review," issued in October 1993 (58 FR 51735), now oblige all Federal agencies to evaluate their existing programs and regulations. Previously, Executive Order 12291, issued in February 1981 (46 FR 13193), also required reviews of existing regulations. Even before 1981, however, NHTSA was a leader among Federal agencies in evaluating the effectiveness of existing regulations and technologies. There are large databases of motor vehicle crashes that can be analyzed to find out what vehicle and behavioral safety programs work best.

This four-year plan presents and discusses the vehicle and behavioral programs, regulations, technologies and related areas NHTSA proposes to evaluate, and it summarizes the findings of past evaluations. Depending on scope, evaluations typically take a year or substantially more, counting initial planning, contracting for support, OMB clearance for surveys, data collection, analysis, internal review, approvals, publication, review of public comments, and the last phase of preparing recommendations for subsequent agency action.

Most of NHTSA's crashworthiness and several crash avoidance standards have been evaluated at least once since 1975. A number of consumer-oriented regulations, e.g., bumpers, theft protection, fuel economy and NCAP also have been evaluated. So have promising safety technologies that were not mandatory under Federal regulations, such as antilock brake systems for passenger vehicles. The plan for calendar years 2004-2007 includes evaluations of new and existing vehicle and behavioral safety programs, regulations, technologies and consumer information programs.

The plan will be periodically updated in response to public and agency needs, with a complete revision scheduled every five years. The most recent plan before this one was published on May 8, 1998 (63 FR 25543).

### How Can I Influence NHTSA's Thinking on This Subject?

NHTSA welcomes public review of the evaluation plan and invites the reviewers to comment about the selection, priority, and schedule of the regulations to be evaluated. The agency

is interested in learning of any additional data that may be useful in the evaluations. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the evaluation plan.

#### How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA-2004-16932) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please send two paper copies of your comments to Docket Management, submit them electronically, fax them, or use the Federal eRulemaking Portal. The mailing address is U.S. Department of Transportation Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. If you submit your comments electronically, log onto the Dockets Management System Web site at <http://dms.dot.gov> and click on "Help & Information" or "Help/Info" to obtain instructions. The fax number is 1-202-493-2251. To use the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

We also request, but do not require you to send a copy to Charles J. Kahane, Chief, Evaluation Division, NPO-321, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590 (alternatively, fax to (202) 366-2559 or e-mail to [ckahane@nhtsa.dot.gov](mailto:ckahane@nhtsa.dot.gov)). He can check if your comments have been received at the Docket and he can expedite their review by NHTSA.

#### How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

#### How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information

you claim to be confidential business information, to the Chief Counsel, NCC-01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies of which you have deleted the claimed confidential business information to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit them electronically.

#### Will the Agency Consider Late Comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

#### How Can I Read the Comments Submitted by Other People?

You may read the comments by visiting Docket Management in person at Room PL-401, 400 Seventh Street, SW., Washington, DC from 10 a.m. to 5 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

A. Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov>).

B. On that page, click on "search."

C. On the next page (<http://dms.dot.gov/search/>) type in the four-digit Docket number shown at the beginning of this Notice (16932). Click on "search."

D. On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

**Authority:** 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

**Noble N. Bowie,**

*Associate Administrator for Planning, Evaluation and Budget.*

[FR Doc. E4-114 Filed 01-26-04;8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34455]

#### Vermont Railway, Inc.—Modified Rail Certificate

On January 5, 2004, Vermont Railway, Inc. (VTR), a Class III rail carrier, filed a notice for a modified certificate of public convenience and necessity under 49 CFR part 1150, subpart C, *Modified Certificate of Public Convenience and Necessity*, to operate a 131-mile rail line owned by the State of Vermont (Vermont). The line extends from Burlington to Bennington, VT.

The Board's predecessor, the Interstate Commerce Commission (ICC), approved the line for abandonment by Rutland Railway Corp., in *Rutland Ry. Corp. Abandonment of Entire Line*, 317 I.C.C. 393 (1962). Subsequently, the ICC authorized acquisition of the line by Vermont and lease and operation of the line by VTR in *State of VT and Vermont Ry., Inc., Acquisition and Op.*, 320 I.C.C. 330 (1963). The original lease and subsequent amended lease between Vermont and VTR provide for renewal of the lease every 10 years. With ICC approval, the lease term was extended three times.<sup>1</sup> The current extension expired on January 5, 2004.

The last time the ICC approved an extension of the lease between Vermont and VTR, it noted that, if VTR were to file for a modified certificate of public convenience and necessity, the parties would no longer need to obtain approval for changes or extensions of their lease.<sup>2</sup>

The rail segment qualifies for a modified certificate of public convenience and necessity. See *Common Carrier Status of States, State Agencies and Instrumentalities and Political Subdivisions*, Finance Docket No. 28990F (ICC served July 16, 1981).

There is no operating subsidy involved. However, pursuant to the 1990 lease between VTR and Vermont, Vermont is required to pay for the maintenance of certain structures on the line.<sup>3</sup> VTR represents that it has

<sup>1</sup> The last extension was approved in *State of Vermont and Vermont Railway, Inc.—Acquisition and Operation in Vermont*, Finance Docket No. 22830 (ICC served Dec. 28, 1993) (*December 1993 Decision*). In that decision, the ICC also retroactively approved a revised lease signed by the parties in 1990.

<sup>2</sup> See *December 1993 Decision* at 1 n.1.

<sup>3</sup> Pursuant to 5 V.S.A. 3401-3409, the Vermont Agency of Transportation is authorized to administer State-owned railroad properties and to take necessary action to ensure continuity of service over such properties.