

**DEPARTMENT OF TRANSPORTATION****Maritime Administration****[Docket No. MARAD 2004 18618]****Information Collection Available for Public Comments and Recommendations****ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

**DATES:** Comments should be submitted on or before September 17, 2004.

**FOR FURTHER INFORMATION CONTACT:** Michael Ferris, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366-2324; FAX: (202) 366-9580; or e-mail: [michael.ferris@marad.dot.gov](mailto:michael.ferris@marad.dot.gov). Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Subsidy Voucher—"Operating Differential Subsidy (Bulk & Liner Cargo Vessels).

*Type of Request:* Extension of currently approved information collection.

*OMB Control Number:* 2133-0024.

*Form Numbers:* MA-790, SF-1034 and Supporting Schedules.

*Expiration Date of Approval:* Three years from date of approval by the Office of Management and Budget.

*Summary of Collection of Information:* The Merchant Marine Act, 1936, authorizes the Secretary of Transportation to provide financial aid in the operation of contract vessels for bulk or liner cargo carrying services that help promote, develop, expand and maintain the foreign commerce of the United States. Vessel owners must submit documentation requesting the financial assistance to the Maritime Administration (MARAD).

*Need and Use of the Information:* MARAD will review the documentation to determine subsidies payable to operators for voyages performed in accordance with the Operating-Differential Subsidy (ODS) Agreements.

*Description of Respondents:* Operators of bulk and liner vessels.

*Annual Responses:* One.

*Annual Burden:* Two hours.

*Comments:* Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk,

U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at <http://dms.dot.gov/submit>. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. e.d.t. (or e.s.t.), Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

(Authority: 49 CFR 1.66.)

Dated: July 14, 2004.

By Order of the Maritime Administrator,  
**Joel C. Richard,**  
*Secretary, Maritime Administration.*  
[FR Doc. 04-16312 Filed 7-16-04; 8:45 am]  
**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****[Docket No. NHTSA-2004-18640, Notice 1]****InterModal Technologies, Inc.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 121**

Pursuant to the procedures of 49 CFR part 555, InterModal Technologies, Inc. ("InterModal") has applied for a Temporary Exemption from the requirements of S5.2.3.2 *Antilock Malfunction Signal*, and S5.2.3.3 *Antilock Malfunction Indicator* in Federal Motor Vehicle Safety Standard ("FMVSS") No. 121, *Air brake systems*. The basis of the application is that the exemption would facilitate the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to that of the standard, and that the

applicant is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of a non-exempted vehicle.

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2). This notice makes no judgment on the merits of the application. Similarly, this notice does not address the merits of InterModal's statements that the MSQR-5000 is an antilock braking system. The merits may be addressed in comments and in the agency's resolution of this matter.

**I. Background**

InterModal is a manufacturer of semi-trailers incorporated in the State of Colorado. InterModal intends to manufacture semi-trailers equipped with a device, which it refers to as "MSQR-5000 pneumatic antilock braking system" ("MSQR-5000").<sup>1</sup> The MSQR-5000 does not incorporate electrical circuits to transmit or receive electrical signals.

The trailers equipped with MSQR-5000 would not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121. Petitioner seeks a temporary exemption from the requirements of S5.2.3.2 and S5.2.3.3 because an exemption would facilitate the development or field evaluation of MSQR-5000, which petitioner contends offers a safety level at least equal to that of antilock brake systems ("ABS") that comply with FMVSS No. 121. Further, petitioner contends that it is otherwise unable to sell a vehicle whose overall level of safety is at least equal to that of non-exempted vehicles. If the petition is granted, InterModal intends to produce not more than 2,500 trailers annually. For additional information on InterModal, please go to <http://www.intermodaltechnologies.com>.

**II. Why InterModal Needs a Temporary Exemption**

Petitioner contends that the MSQR-5000 device, installed on trailers manufactured by InterModal, operates as a conventional ABS. However, a trailer equipped with the MSQR-5000 does not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121.

S5.2.3.2 requires that:

" \* \* \* each trailer \* \* \* manufactured on or after March 1, 2001, that is equipped with an antilock brake system shall be equipped with an electrical circuit that is capable of signaling a malfunction in the trailer's

<sup>1</sup> For additional information on this petition, please see Docket No. NHTSA-2004-18640 at <http://dms.dot.gov/search/searchFormSimple.cfm>.

antilock brake system, and shall have the means for connection of this antilock brake system malfunction signal circuit to the towing vehicle \* \* \*

S5.2.3.3 requires that:

"In addition to the requirements of S5.2.3.2, each trailer \* \* \* manufactured on or after March 1, 1998, and before March 1, 2009, shall be equipped with an external antilock malfunction indicator lamp \* \* \*

The trailers in question are incapable of meeting either requirement. Trailers equipped with only the MSQR-5000 would not be equipped with an electrical circuit capable of signaling a malfunction in the ABS. Further, these trailers would not be equipped with an external antilock malfunction indicator lamp.

InterModal has not specified the length for the requested exemption. However, under 49 CFR § 555.8(b) a temporary exemption from a standard granted on a basis other than substantial economic hardship terminates according to its terms not later than 2 years after the date of issuance. Accordingly, the agency assumes that InterModal is seeking a two-year exemption.

### III. Why the Exemption Would Make It Easier To Develop or Perform Field Evaluation of a New Motor Vehicle Safety Feature; and Why the Applicant Is Otherwise Unable To Sell a Vehicle Whose Overall Level of Safety or Impact Protection Is at Least Equal to That of a Non-Exempted Vehicle

InterModal did not elaborate on how an exemption from the requirements of S5.2.3.2 and S5.2.3.3 would facilitate development or field evaluation of a new motor vehicle safety feature. The petition indicates that MSQR-5000 has already been developed by Air Brake Systems, Inc. Accordingly, development of a new motor vehicle safety feature is not at issue. While InterModal might be of the view that the grant of the petition would allow InterModal to conduct field evaluations of semi-trailers equipped with MSQR-5000, we note that the petition states that there are more than 7,000 MSQR-5000 units already in operation.

As previously discussed, an InterModal trailer equipped with MSQR-5000 would not comply with the requirements of S5.2.3.2 and S5.2.3.3 of FMVSS No. 121. Petitioner asserts that because MSQR-5000 does not use electricity, modifications to bring the vehicle into compliance with FMVSS No. 121 are impossible. Unless an exemption is granted, petitioners would not be able to sell semi-trailers equipped with the MSQR-5000.

### IV. Why the Overall Level of Safety of Trailers Equipped With MSQR-5000 Is at Least Equal to That of Non-Exempted Semi-Trailers

Petitioner offers several reasons why it believes the overall level of safety of semi-trailers equipped with MSQR-5000 is at least equal to that of non-exempted semi-trailers.

First, InterModal argues that based on laboratory test data and field-test data, MSQR-5000 operates as a conventional ABS. Further, InterModal states that MSQR-5000 met or exceeded all the performance requirements in FMVSS No. 121. Petitioner also cites to several affidavits in support of its contention that trailers equipped with MSQR-5000 are at least as safe as trailers equipped with conventional ABS.<sup>2</sup>

Second, petitioner contends that MSQR-5000 is a "fully closed-loop" system as opposed to conventional electronic ABS that utilizes modulators to vent air during the braking cycle. According to petitioner, electronic ABS is subject to contamination and wear due to venting. Further, in its view, venting may extend the stopping distance. By contrast, MSQR-5000 modulates air internally and does not vent during braking.

Third, instead of an electronic malfunction indicator, semi-trailers equipped with MSQR-5000 feature a pneumatic malfunction indicator located in the cabin. Petitioner asserts that this design alerts the driver if the system malfunctions. In the event of a severe air pressure loss, an emergency brake chamber releases to engage the emergency brake, stopping the vehicle until repairs can be made.

Finally, petitioner asserts that MSQR-5000 is easier to install and maintain; causes less wear on the brake linings; has fewer parts that are susceptible to damage or wear; and has a better a safety record.<sup>3</sup>

### V. Why an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

Petitioner has not set forth the reasons why granting this exemption would be in the public interest, as required by 49 CFR § 555.5(b)(7). However, petitioner presented several arguments of why it believes that a semi-trailer equipped with a MSQR-5000 device is superior to a semi-trailer equipped with conventional ABS system that complies

<sup>2</sup> For laboratory test data, field-test data, and affidavits, see Docket No. NHTS-2004-18640.

<sup>3</sup> In support of the last statement, petitioner indicates that in September 2000, 300,000 electronic ABS units were subject to a voluntary recall because of delays in brake application.

with the requirements of FMVSS No. 121. Specifically, petitioner argues that MSQR-5000: (1) Is less expensive; (2) is less expensive to install; (3) is easier to operate; (4) has a better safety record than ABS products that comply with the requirements of FMVSS No. 121; (5) causes less wear on brake linings; (6) has fewer parts that are susceptible to damage or wear.

### VI. How You May Comment on Inter Modal Application

We invite you to submit comments on the application described above. You may submit comments [identified by DOT Docket Number NHTSA-2004-18640] by any of the following methods:

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

Follow the instructions for submitting comments on the DOT electronic docket site by clicking on "Help and Information" or "Help/Info."

- Fax: 1-202-493-2251.

• Mail: Docket Management Facility, U.S. Department of Transportation, 400 7th Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.

• Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 7th 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.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

*Docket:* For access to the docket in order to read background documents or comments received, go to <http://dms.dot.gov> at any time or to 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.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

We shall consider all comments received before the close of business on

the comment closing date indicated below. To the extent possible, we shall also consider comments filed after the closing date. We shall publish a notice of final action on the application in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* August 18, 2004. (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8).

**FOR FURTHER INFORMATION CONTACT:**

George Feygin in the Office of Chief Counsel, NCC-112, (Phone: 202-366-2992; Fax 202-366-3820; E-mail: [George.Feygin@nhsta.dot.gov](mailto:George.Feygin@nhsta.dot.gov)).

Issued on: July 14, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 04-16383 Filed 7-16-04; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Docket No. AB-873X, AB-55 (Sub-No. 652X), AB-565 (Sub-No. 17X)]

**New York and Eastern Railway, LLC—Discontinuance Exemption—in Poughkeepsie, Dutchess County, NY; CSX Transportation, Inc.—Discontinuance Exemption—in Poughkeepsie, Dutchess County, NY; New York Central Lines, LLC—Abandonment Exemption—in Poughkeepsie, Dutchess County, NY**

On June 29, 2004, New York and Eastern Railway, LLC (NY&E), CSX Transportation, Inc. (CSXT), and New York Central Lines, LLC (NYC) (collectively, petitioners) jointly filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for NY&E and CSXT to discontinue service over and for NYC to abandon an approximately 4.7-mile line of railroad between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 29.5 and milepost QCK 31.0, in the City and Town of Poughkeepsie, Dutchess County, NY.<sup>1</sup> The line traverses U.S. Postal Service ZIP Codes 12601 and 12603, and includes the station of Poughkeepsie.

The line does not contain federally granted rights-of-way. Any documentation in NYC's possession will be made available promptly to those requesting it.

In STB Docket No. AB-873X, NY&E proposes to discontinue service over this line, which constitutes its entire operations. When issuing

discontinuance authority for railroad lines that constitute the carrier's entire system, the Board does not impose labor protection, except in specifically enumerated circumstances. *See Northampton and Bath R. Co.—Abandonment*, 354 I.C.C. 784, 785-86 (1978) (*Northampton*). Therefore, if the Board grants the petition for exemption, in the absence of a showing that one or more of the exceptions articulated in *Northampton* are present, no labor protective conditions would be imposed. In STB Docket No. AB-55 (Sub-No. 652X) and STB Docket No. AB-565 (Sub-No. 17X), the interests of CSXT and NYC railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 15, 2004.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 9, 2004. Each trail use request must be accompanied by a \$200 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-873X, *et al.* and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001; and (2) John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036. Replies to the petition are due on or before August 9, 2004.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on the Board's Web site at <http://www.stb.dot.gov>.

Decided: July 13, 2004.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 04-16337 Filed 7-16-04; 8:45 am]

**BILLING CODE 4915-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Docket No. AB-33 (Sub-No. 214X), AB-853 (Sub-No. 2X)]

**Union Pacific Railroad Company—Abandonment Exemption—in Lane, Ness and Rush Counties, KS; Kansas & Oklahoma Railroad Inc.—Discontinuance Exemption—in Lane, Ness and Rush Counties, KS**

On June 29, 2004, Union Pacific Railroad Company (UP) and Kansas & Oklahoma Railroad, Inc. (K&O) jointly filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. UP seeks to abandon and K&O seeks to discontinue service over a line of railroad extending from milepost 664.5, near Healy, to milepost 606.0, near McCracken, a distance of 58.5 miles in Lane, Ness and Rush Counties, KS. The line traverses U.S. Postal Service ZIP Codes 67556, 67521, 67572, 67515, 67584, 67839, and 67850 and includes stations located at Shields, Pendennis, Utica, Arnold, Ransom, Osgood and Brownell, KS.

The line does not contain federally granted rights-of-way. Any documentation in the possession of UP or K&O will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R.Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding

<sup>1</sup> NY&E and CSXT lease the line from NYC.