

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 2003-15786 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 September 3, 2003.

**ADDRESSES:** Comments should refer to docket number MARAD-2003-15786.

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 BETTY T. is:

*Intended Use:* "1-3 day upscale trawler/yacht tours of Islands off the Florida Keys."

*Geographic Region:* "Florida Keys and vicinity."

Dated: July 28, 2003.

By order of the Maritime Administrator.  
**Murray Bloom,**  
*Acting Secretary, Maritime Administration.*  
[FR Doc. 03-19733 Filed 8-1-03; 8:45 am]  
**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number: MARAD 2003-15785]

#### 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 DREAM TIME.

**SUMMARY:** As authorized by Pub. L. 105-383 and Pub. L. 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 2003-15785 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 Pub. L. 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 September 3, 2003.

**ADDRESSES:** Comments should refer to docket number MARAD-2003-15785.

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 DREAM TIME is:

*Intended Use:* "Charters and Sail Training."

*Geographic Region:* "Florida and East Coast of the United States."

Dated: July 28, 2003.

By order of the Maritime Administrator.

**Murray Bloom,**

*Acting Secretary, Maritime Administration.*  
[FR Doc. 03-19732 Filed 8-1-03; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Defect Petition, DP03-005

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency investigate an alleged defect with respect to the brake rotors on model year (MY) 2002 Nissan Xterra vehicles. The petition is identified as DP03-005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-5226.

**SUPPLEMENTARY INFORMATION:** Mr. Kent Jones of Kernersville, NC, submitted a petition to NHTSA by e-mail dated July 1, 2003, requesting NHTSA to investigate the brake rotors on MY 2002 Nissan Xterra vehicles. The petitioner alleged that the brake rotors in these vehicles overheat and warp from normal usage (alleged defect).

A review of ODI's database for complaints regarding MY 2001 through MY 2003 Nissan Xterra vehicles

identified only two reports related to brake rotor warping; one for a MY 2001 and one for a MY 2002. The complaint for the MY 2002 Nissan Xterra was reported by the petitioner.

Brake rotor warping can result in brake pulsation and shaking when the brake is applied. Brake pulsation, tire or suspension vibration, and similar conditions, while an obvious annoyance to the driver, generally do not cause a driver to lose control of a vehicle.

Furthermore, even if left uncorrected, any potential increase in stopping distance will be negligible. Therefore, this condition does not normally constitute a safety defect, even if it occurs with far more frequency.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of an alleged safety-related defect as defined by the petitioner in MY 2002 Nissan Xterra vehicles at the conclusion of an investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: July 29, 2003.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 03-19750 Filed 8-1-03; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 34374]

**Union Pacific Railroad Company—  
Temporary Trackage Rights  
Exemption—The Burlington Northern  
and Santa Fe Railway Company**

The Burlington Northern and Santa Fe Railway Company (BNSF), has agreed to grant temporary overhead trackage rights to Union Pacific Railroad

Company (UP) over BNSF's rail lines between BNSF milepost 117.1 near Shawnee Jct., WY, and BNSF milepost 33.8 near Northport, NE, a distance of approximately 146.2 miles.<sup>1</sup>

The transaction was scheduled to be consummated on July 21, 2003,<sup>2</sup> and the authorization was expected to expire on or about July 28, 2003. The purpose of the temporary rights was to facilitate maintenance work on UP lines.

As a condition to this exemption, any employees affected by the temporary 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), *aff'd sub nom. Railway Labor Executives' Ass'n v. United States*, 675 f.2d 1248 (D.C. Cir. 1982).

This notice is filed under 49 CFR 1180.2(d)(8).<sup>3</sup> 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. 34374, 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 Robert T. Opal, 1416 Dodge St., Room 830, Omaha NE 68179.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: July 29, 2003.

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

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 03-19778 Filed 8-1-03; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF THE TREASURY**

**Submission for OMB Review;  
Comment Request**

July 25, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before September 3, 2003 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0217.

*Form Number:* IRS Form 5735 and Schedule P.

*Type of Review:* Revision.

*Title:* Possessions Corporation Tax Credit (Under Sections 936 and 30A) (5735); and Allocation of Income and Expenses Under Section 936(h)(5) (Schedule P).

*Description:* Form 5735 is used to compute the possessions tax credit under sections 936 & 30A. Schedule P is used by corporations that elect to share the income or expenses with their affiliates. Each form provides the IRS with information to determine if the corporations have correctly computed the tax credit and the cost-sharing or profit-split method.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 1,371.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

	Form 5735	Schedule P
Recordkeeping .....	20 hr., 5 min. ....	9 hr., 48 min.
Learning about the law or the form .....	4 hr., 48 min. ....	1 hr., 27 min.
Preparing the form .....	7 hr., 12 min. ....	2 hr., 36 min.
Copying, assembling, and sending the form to the IRS .....	32 min. ....	16 min.

<sup>1</sup> The trackage rights involve BNSF subdivisions with non-contiguous mileposts. Therefore, total mileage does not correspond to the milepost designations of the endpoints.

<sup>2</sup> The notice was filed with the Board on July 15, 2003. Accordingly, the earliest the transaction

could be consummated was July 22, 2003 (7 days after filing under 49 CFR 1180.4(g)).

<sup>3</sup> The Board adopted a new class exemption for trackage rights that, by their terms, are for overhead operations only and expire on a date certain, not to exceed 1 year from the effective date of the

exemption. See *Railroad Consolidation Procedures—Exemption for Temporary Trackage Rights*, STB Ex Parte No. 282 (Sub-No. 20) (STB served May 23, 2003).