

FMCSA may make its decision at any time after the close of the comment period. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Authority: 49 U.S.C. 31136 and 31315; and 49 CFR 1.73.

Issued on: April 23, 2003.

Annette M. Sandberg,

Acting Administrator.

[FR Doc. 03-10571 Filed 4-29-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket Number FRA-2003-14646

Applicant: Canadian National Railway, Mr. Dwight Tays, Chief Engineer, 1004-104th Avenue, Floor 16, Edmonton, Alberta, Canada T5J-0K2.

The Canadian National Railway (CN) seeks relief from the requirements of the Rules, Standards and Instructions, 49 CFR, part 236, § 236.110, to the extent that each test record need not be signed by the person making the inspection or test. CN is implementing an electronic system for recording and maintaining signal inspection and test records. The system will provide inherent security measures, which will uniquely identify the person entering the electronic record by means of an encoded PIN number. Once a record is entered and verified it cannot be modified. In conjunction with this relief, CN also requests the utilization of an electronic system for recording and maintaining applicable inspection and test records as defined in 49 CFR, part 234, subject to approval by the Associate Administrator for Safety, as required by § 234.273.

Applicant's justification for relief: CN believes that the electronic system will serve the best interest of both CN and the Federal and State Inspection authorities that are required to inspect

records. CN also anticipates this system will provide many benefits, including:

- Improved availability of test records.
- Improved management reporting of compliance.
- Improved consistency for filing records.
- A reduction in the need for paper documentation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI-401, 400 7th Street, SW., Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at <http://dms.dot.gov>.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on April 23, 2003.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 03-10582 Filed 4-29-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)

AGENCY: Maritime Administration, DOT.

ACTION: Notice of open season for enrollment in fiscal year (FY) 2004 VISA Program.

Introduction

The VISA program was established pursuant to section 708 of the Defense Production Act of 1950, as amended (DPA), which provides for voluntary agreements for emergency preparedness programs. VISA was approved for a two year term on January 30, 1997, and published in the **Federal Register** on February 13, 1997, (62 FR 6837). Approval was extended through February 13, 2005, and published in the **Federal Register** on February 25, 2003 (68 FR 8800).

As implemented, VISA is open to U.S.-flag vessel operators of militarily useful vessels, including bareboat charter operators if satisfactory signed agreements are in place committing the assets of the owner to the bareboat charterer for purposes of VISA. While tug/barge operators must own or bareboat charter barges committed to the VISA program, it is not required that these operators commit tug service through bareboat charter or ownership arrangements. Time charters of U.S.-flag tugs will satisfy commitments to the VISA program. By order of the Maritime Administrator on August 4, 1997, participation of U.S.-flag deepwater tug/barge operators in VISA was encouraged. Voyage, and space charterers are not considered U.S.-flag vessel operators for purposes of VISA eligibility.

VISA Concept

The mission of VISA is to provide commercial sealift and intermodal shipping services and systems, including vessels, vessel space, intermodal systems and equipment, terminal facilities, and related management services, to the Department of Defense (DOD), as necessary, to meet national defense contingency requirements or national emergencies.

VISA provides for the staged, time-phased availability of participants' shipping services/systems to meet contingency requirements through prenegotiated contracts between the Government and participants. Such arrangements are jointly planned with the Maritime Administration (MARAD), U.S. Transportation Command (USTRANSCOM), and participants in peacetime to allow effective and best valued use of commercial sealift capacity, to provide DOD assured contingency access, and to minimize commercial disruption, whenever possible.

VISA Stages I and II provide for prenegotiated contracts between the DOD and participants to provide sealift capacity to meet all projected DOD

contingency requirements. These contracts are executed in accordance with approved DOD contracting methodologies. VISA Stage III will provide for additional capacity to the DOD when Stage I and II commitments or volunteered capacity are insufficient to meet contingency requirements, and adequate shipping services from non-participants are not available through established DOD contracting practices or U.S. Government treaty agreements.

FY 2004 VISA Enrollment Open Season

The purpose of this notice is to invite interested, qualified U.S.-flag vessel operators that are not currently enrolled in the VISA program to participate in the program for FY 2004 (October 1, 2003, through September 30, 2004). Current participants in the VISA program are not required to apply for FY 2004 reenrollment, as VISA participation will be automatically extended for FY 2004. This is the sixth annual enrollment period since the commencement of the VISA program. The annual enrollment was initiated because VISA has been fully integrated into DOD's priority for award of cargo to VISA participants. It is necessary to link the VISA enrollment cycle with DOD's peacetime cargo contracting cycle.

New VISA applicants are required to submit their applications for the FY 2004 VISA program as described in this Notice no later than May 30, 2003. This alignment of VISA enrollment and eligibility for VISA priority will solidify the linkage between commitment of contingency assets by VISA participants and receiving VISA priority consideration for the award of FY 2004 DOD peacetime cargo.

This is the only planned enrollment period for carriers to join VISA and derive benefits for DOD peacetime contracts during FY 2004. The only exception to this open season period for VISA enrollment will be for a non-VISA carrier that reflags a vessel into U.S. registry. That carrier may submit an application to participate in the VISA program at any time upon completion of reflagging.

Advantages of Peacetime Participation

Because enrollment of carriers in VISA provides the DOD with assured access to sealift services during contingencies based on a level of commitment, as well as a mechanism for joint planning, the DOD awards peacetime cargo contracts to VISA participants on a priority basis. This applies to liner trades and charter contracts alike. Award of DOD cargoes to meet DOD peacetime and

contingency requirements is made on the basis of the following priorities:

- U.S.-flag vessel capacity operated by VISA participants, and U.S.-flag Vessel Sharing Agreement (VSA) capacity held by VISA participants.
- U.S.-flag vessel capacity operated by non-participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by VISA participants, and combination U.S.-flag/foreign-flag VSA capacity held by VISA participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by non-participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by VISA participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by non-participants.
- Foreign-owned or operated foreign-flag vessel capacity of non-participants.

Participants

Any U.S.-flag vessel operator organized under the laws of a state of the United States, or the District of Columbia, who is able and willing to commit militarily useful sealift assets and assume the related consequential risks of commercial disruption, may be eligible to participate in the VISA program. While vessel brokers and agents play an important role as a conduit to locate and secure appropriate vessels for the carriage of DOD cargo, they may not become participants in the VISA program due to lack of requisite vessel ownership or operation. However, brokers and agents should encourage the carriers they represent to join the program.

Commitment

Any U.S.-flag vessel operator desiring to receive priority consideration in the award of DOD peacetime contracts must commit no less than 50 percent of its total U.S.-flag militarily useful capacity in Stage III of the VISA program. A participant desiring to bid on DOD peacetime contracts will be required to provide commitment levels to meet DOD-established Stages I and/or II minimum percentages of the participant's military useful, oceangoing U.S.-flag fleet capacity on an annual basis. The USTRANSCOM and MARAD will coordinate to ensure that the amount of sealift assets committed to Stages I and II will not have an adverse national economic impact. To minimize domestic commercial disruption, participants operating vessels exclusively in the domestic Jones Act trades are not required to commit the capacity of those U.S. domestic trading

vessels to VISA Stages I and II. Overall VISA commitment requirements are based on annual enrollment.

In order to protect a U.S.-flag vessel operator's market share during contingency activation, VISA allows participants to join with other vessel operators in Carrier Coordination Agreements (CCA's) to satisfy commercial or DOD requirements. VISA provides a defense against antitrust laws in accordance with the DPA. CCA's must be submitted to MARAD for coordination with the Department of Justice for approval, before they can be utilized.

Compensation

In addition to receiving priority in the award of DOD peacetime cargo, a participant will receive compensation during contingency activation. During enrollment, each participant may choose a compensation methodology which is commensurate with risk and service provided. The compensation methodology selection will be completed with the appropriate DOD agency.

Enrollment

New applicants may enroll by obtaining a VISA application package (Form MA-1020 (OMB Approval No. 2133-0532)) from the Director, Office of Sealift Support, at the address indicated below. Form MA-1020 includes instructions for completing and submitting the application, blank VISA Application forms and a request for information regarding the operations and U.S. citizenship of the applicant company. A copy of the February 25, 2003, VISA will also be provided with the package. This information is needed in order to assist MARAD in making a determination of the applicant's eligibility. An applicant company must provide an affidavit that demonstrates that the company is qualified to document a vessel under 46 U.S.C. 12102, and that it owns, or bareboat charters and controls, oceangoing, militarily useful vessel(s) for purposes of committing assets to VISA. As previously mentioned, VISA applicants must return the completed VISA application documents to MARAD not later than May 30, 2003. Once MARAD has reviewed the application and determined VISA eligibility, MARAD will sign the VISA application document which completes the eligibility phase of the VISA enrollment process.

In addition, the applicant will be required to enter into a contingency contract with the DOD. For the FY 2004 VISA open season, and prior to being

enrolled in VISA, eligible VISA applicants will be required to execute a joint VISA Enrollment Contract (VEC) with the DOD (Military Traffic Management Command (MTMC) and Military Sealift Command (MSC)) which will specify the participant's Stage III commitment for FY 2004. Once the VEC is completed, the applicant completes the DOD contracting process by executing a Drytime Contingency Contract (DCC) with MSC (for Charter Operators) and/or as applicable, a VISA Contingency Contract (VCC) with MTMC (for Liner Operators). Upon completion of the DOD contingency contract(s), the Maritime Administrator will confirm the participant's enrollment by letter agreement, with a copy to all appropriate parties.

For Additional Information and Applications Contact: Frances M. Olsen, Deputy Director, Office of Sealift Support, U.S. Maritime Administration, Room 7307, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366-2323. Fax (202) 493-2180. Other information about the VISA can be found on MARAD's Internet Web page at <http://www.marad.dot.gov>.

By Order of the Maritime Administrator.
Dated: April 24, 2003.

Joel C. Richard,

Secretary, Maritime Administration.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-13811; Notice 1]

Ford Motor Company; Receipt of Application for Decision of Inconsequential Noncompliance

Ford Motor Company (Ford) has determined that certain 2003 Model Year Econoline Cargo Vans are equipped with convex passenger-side mirrors that fail to meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 111 "Rearview mirrors."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Ford has applied 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."

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.

Ford manufactured 2,330 vans with convex passenger-side mirrors. Paragraph S6.1 of the standard requires that multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kg or less have either mirrors that conform to paragraph S5 or outside mirrors of unit magnification. Paragraph S5, in essence, applies to vehicles with an inside rearview mirror. Because these vehicles do not have a rear window, they have no inside rearview mirror and, thus, are required by S6.1(b) to have passenger-side mirrors of unit magnification.

Ford believes that this noncompliance is inconsequential to motor vehicle safety, and therefore creates no unreasonable risk to highway safety for the following reasons:

I. The Original Agency Purpose for Restricting the Use of Convex Mirrors is No Longer Necessary

Twenty years ago, following several years of research into the safety benefit of convex mirrors, NHTSA amended FMVSS 111 to allow the use of convex passenger side mirrors on passenger cars, light trucks, and multipurpose passenger vehicles, to supplement an inside rearview mirror that does not meet the field of view requirements of S5.1.1. As stated in the agency's final rule comments, previous to the amendment there had been concerns regarding the effect of convex mirrors on depth perception because of drivers' unfamiliarity, at the time, with convex mirrors. Currently, with 20 years of experience with convex mirrors, drivers are very familiar with their function and are now very accustomed to the benefits of convex mirrors.

II. Studies Show a Safety Benefit Using Convex Mirrors

Ford Econoline Study

Ford conducted field of view studies with respect to flat and convex passenger side mirrors on affected Econoline Cargo Vans. Not surprisingly, these studies demonstrate the enhanced traffic detection provided with convex passenger side mirrors. The field of view maps [included with Ford's petition] show that convex passenger side mirrors provide a 19.5-degree field of view vs. a 5-degree field of view with flat mirrors. Passenger side mirror image comparisons of convex and planar mirrors [included with Ford's petition] illustrate the enhanced traffic detection provided by convex mirrors. With a convex passenger side mirror the driver will be able to detect a vehicle in the

next lane even if the vehicle is as far forward as the passenger side window, while the driver of a vehicle with a flat passenger side mirror, as required by S6, cannot see the vehicle until it is almost 20 feet behind the vehicle.

NHTSA Study

In September 1985, NHTSA published report DOT HS 806 948, "Field Test Evaluation of Rearview Mirror Systems for Commercial Vehicles," regarding a two-year evaluation of experimental rearview mirror systems which showed that commercial vehicles with a convex passenger side mirror had a 17.6% reduction in accidents over vehicles with OEM flat passenger side mirrors. The report concluded that the analysis strongly supported the installation of single convex passenger side mirrors on commercial vehicles.

III. No Evidence of Negative Safety Consequences With Convex Mirrors

Ford is not aware of any field or owner reports or allegations of accidents or injuries related to this condition. [Ford believes] that the increased rearward visibility using a convex mirror and the extensive use of convex mirrors in the field can result in a reduction of lane change and right hand turn accidents.

IV. Other Countries Safely Permit Convex Mirrors

As the agency is aware, convex passenger side rearview mirrors are allowed in Canada, Europe, Australia, and other countries including those vehicles without an interior rear view mirror. Below is a summary of relevant regulations in these countries:

Canadian Federal Motor Vehicle Safety Standard 111

Section (6)—An outside rear view mirror referred to in paragraph (7)(b) or subsection (26) or (27) that is installed on the side of the vehicle opposite the driver's may be convex if its reflective surface area is equal to or greater than the reflective surface area that a unit magnification mirror must have in accordance with that paragraph or subsection.

Subsection (26)(b) states that multipurpose passenger vehicles, trucks and buses, with a GVWR of 4,536 kg or less, other than school buses, shall have on each side of the vehicle, an outside rearview mirror which has not less than 125 cm of reflective surface area located so as to provide the driver with a view to the rear along both sides of the vehicle.