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**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 STEEL AWEIGH is:

*Intended Use:* "Cruise tours; dive charter; small catered events; bed & breakfast."

*Geographic Region:* "Washington State."

Dated: September 17, 2003.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 03-24334 Filed 9-25-03; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2002-13989; Notice 2]

#### Rejection of Petition for Determination of Inconsequential Noncompliance

On September 12, 2002, Glaval Bus Inc. (Glaval) notified the National Highway Traffic Safety Administration (NHTSA) that it had determined that a total of 900 "Glaval Model Universal, Primetime, & Titan buses" manufactured between January 1999 and August 16, 2002, did not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection," and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Glaval also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118(d) and 30120(h), on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on December 18, 2002, in the **Federal Register** (67 FR 77558). NHTSA

received no comments on this application during the 30-day comment period.

Since the publication of the notice of receipt of application, NHTSA has learned that all of the buses that are the subject of the September 12, 2002 petition have a gross vehicle weight rating of more than 10,000 pounds. In a March 23, 1999 letter to Mr. Lawrence F. Henneberger of Arent, Fox, Kintner, Plotkin and Kahn, NHTSA interpreted the labeling requirements of FMVSS No. 208 "as applying only to passenger cars and to trucks, buses and multipurpose passenger vehicles with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less." Therefore, the labels installed in the Glaval buses are voluntary and do not have to comply with the prohibition in S4.5.1(b)(5) (previously S4.5.1(b)(3)) against any other information from being on the same side of the sun visor as the air bag warning label, except an air bag maintenance label or a utility vehicle rollover warning label. Since there is no noncompliance, the petition for a determination that the noncompliance is inconsequential is moot and is therefore rejected. Accordingly, Glaval is not required to notify owners and recall its buses.

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

Issued on: September 16, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-24428 Filed 9-25-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34404]

#### East Tennessee Railway, L.P.—Lease and Operation Exemption—CSX Transportation, Inc.

East Tennessee Railway, L.P. (ETRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 *et seq.* to lease, from CSX Transportation, Inc. (CSXT), and operate 5.0 miles of track, which includes 4.05 miles of rail line and two short spurs, known as Johnson City Lead and Carnegie Spur, in Washington County, TN. The line extends from milepost ZJ 0.05 to milepost ZJ 4.10 near Johnson City. The two spurs extend west from the line in Johnson City and to the south of the city.<sup>1</sup>

<sup>1</sup> ETRY and CSXT have agreed on the terms of the lease that will cover this transaction, and expect to

ETRY certifies that its projected revenues as a result of this transaction will not exceed \$5 million, and thus that the transaction will not result in the creation of a Class II or Class I rail carrier. ETRY intends to consummate the transaction as soon as possible after September 5, 2003, the effective date of the exemption.

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. 34404, 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 Donald G. Avery, Slover & Loftus, 1224 17th St., NW., Washington, DC 20036.

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

Decided: September 22, 2003.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 03-24389 Filed 9-25-03; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 210X)]

#### Union Pacific Railroad Company—Abandonment Exemption—in Maricopa County, AZ

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 2.1-mile line of railroad, known as the Creamery Spur, extending from milepost 914.3 to milepost 916.4 near University Drive between Priest Drive and Hayden Road in Tempe, Maricopa County, AZ. The line traverses United States Postal Service Zip Code 85281.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the

execute a written lease agreement prior to consummation of the acquisition.