

**Michigan State Trust Railway
Preservation, Inc.—FRA Waiver
Petition Docket No. FRA-2003-15514**

In 2001, Michigan State Trust Railway Preservation, Inc. ("MSTP") and the Institute for Steam Railroading in conjunction with the Tuscola and Saginaw Bay Railway (TSBY) sought and was granted a waiver (Docket No. FRA-2001-10379) of compliance from Title 49, part 240 of the Code of Federal Regulations (49 CFR part 240)—Qualification and Certification of Locomotive Engineers. MSTP requested relief from that part of the regulation (49 CFR 240.201(d)) which provides that only certified persons may operate locomotives and trains. MSTP plans to offer noncertified persons the opportunity to operate a locomotive when participating in its "engineer-for-an-hour" program. The waiver would only apply to persons participating in the program. MSTP has purchased a second locomotive and now seeks to expand its operations to a third location.

The MSTP is a nonprofit educational corporation. It owns and operates a 1941 Lima-built steam locomotive. The locomotive, ex-Pere Marquette No. 1225, has operated approximately 6200 miles since 1988 over the general railroad system of transportation. The newly purchased and restored locomotive is Engine No. 75 (0-4-0). The MSTP is located at the steam locomotive restoration facility (Institute for Steam Railroading) in Owosso, Michigan. The MSTP gains access to TSBY trackage at this location. It does not own or control any trackage with the exception of two lead tracks extending from siding tracks, each approximately 130 feet in length. These tracks are leased from the TSBY. The MSTP plans to conduct this program in two of three locations. The first is the San Yard between Mile Post (MP) 105.2 on the TSBY track at the point where it meets the Central Michigan Railroad which is west of Legion Road to MP 106.1 and south of the highway/railroad grade crossing at Gould and Corunna Road. The second location is at the Henderson, Michigan Grain Elevator. It is on the St. Charles Branch of the TSBY between MP 70.2 and MP 69.2, north of the highway/railroad grade crossing at Riley Road. The third location is at the TSBY Shop Yard at their repair shops on the main line along Howard Street between mile markers 106.4 and 107. This operation will remain between the switch leading from the Main Track to the Scale Track with a Blue Flag placed to the east side of that switch. The proposed dates of operation will be three weekends

between the months of May and October inclusive.

MSTP's reason for granting this waiver is two-folded. First, to accomplish a part of its mission statement, *i.e.*, to educate the public on steam era railroad technology and its impact on the culture and economy of the Great Lakes Region. Second, to generate needed interest and revenue so that it may continue to educate the public about steam locomotive technology in an effort that the next generation will keep the knowledge and the 1225 alive into the future.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. FRA-2003-15514) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL-401, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by 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 at the above address. All written communications are also accessible on the Internet at <http://dms.dot.gov>.

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). The Statement may also be found at <http://dms.dot.gov>.

Issued in Washington, DC, on September 8, 2003.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 03-23772 Filed 9-17-03; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Docket No. FRA-2000-7257

[Notice No. 30]

Railroad Safety Advisory Committee ("RSAC"); Working Group Activity Update

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) working group activities.

SUMMARY: FRA is updating its announcement of RSAC's working group activities to reflect their current status. For additional details on completed activities see prior working group activity notices (68 FR 25677).

FOR FURTHER INFORMATION CONTACT: Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports of May 13, 2003, (68 FR 25677). The twenty-first full Committee meeting was held May 20, 2003. The twenty-second meeting is scheduled for September 18, 2003, at the Washington Plaza Hotel.

Since its first meeting in April of 1996, the RSAC has accepted eighteen tasks. Status for each of the tasks is provided below:

Task 96-1—(Withdrawn) Revising the Freight Power Brake Regulations. This task was withdrawn following discussion by the Working Group, and the rulemaking was completed (49 CFR part 232).

Task 96-2—(Completed) Reviewing and recommending revisions to the Track Safety Standards (49 CFR part 213).

Task 96-3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR part 220).

*Task 96-4—*Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This Task was accepted on April 2, 1996, and a Working Group was

established. The Working Group monitored the steam locomotive regulations task. Planned future activities involve the review of other regulations for possible adaptation to the safety needs of tourist and historic railroads. Contact: Grady Cothen (202) 493-6302.

Task 96-5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR part 230).

Task 96-6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR part 240).

Task 96-7—(Completed) Developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards. This task was assigned to the existing Track Standards Working Group on October 31, 1996, and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August 2000. The NPRM was published January 10, 2001 (66 FR 1930). The Task Force met to review comments on February 27–March 1, 2002, and agreed to the disposition of the comments for the final rule. A Ballot was issued to the Working Group and all responders concurred. The RSAC approved the recommendations at the full RSAC meeting on May 29, 2002. The final rule was published in the **Federal Register** on July 28, 2003, (68 FR 44388). Contact: Al MacDowell (202) 493-6236.

Task 96-8—(Completed) This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, *Locomotive Crashworthiness & Working Conditions*.

Task 97-1—Developing crashworthiness specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. This Task was accepted on June 24, 1997. A Task Force on engineering issues was established by the Working Group on Locomotive Crashworthiness to review collision history and design options and additional research was commissioned. The Working Group reviewed results of the research and is drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. An accident review task force has evaluated the potential effectiveness of suggested improvements. The Working Group reached tentative agreement for a proposed rule. The NPRM and Regulatory Impact Analysis have been revised to reflect the changes. The next step is for the Working Group to

complete its review of the NPRM. Contact: Charles Bielitz (202) 493-6314.

Task 97-2—Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. This Task was accepted June 24, 1997.

(Sanitation) (Completed)
(Noise exposure) The Cab Working Conditions Working Group met most recently in Chicago, November 12–14, 2002. A tentative consensus was reached on the draft rule text. The Working Group approved the NPRM. On June 27, 2003, the full RSAC gave consensus by ballot on NPRM. The next step is to publish the NPRM in the **Federal Register**.

(Cab Temperature) (Withdrawn) The Cab Working Conditions Working Group considered issues related to control of cab temperature but was unable to achieve consensus. Cab temperature was withdrawn from RSAC, and regulatory action on this issue was terminated by FRA in May 2003.

(Other Working Conditions) The Working Group may consider additional issues (such as vibration) in the future.

Contact: Jeffrey Horn (202) 493-6283.

Task 97-3—Developing event recorder data survivability standards. This Task was accepted on June 24, 1997. The Event Recorder Working Group met actively in 2002, reviewing draft language for an NPRM. A revised draft NPRM was circulated to the Working Group for review and approval by August 22, 2003. Contact: Edward Pritchard (202) 493-6247.

Task 97-4 and Task 97-5—Defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. *Task 97-6*—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group.

(Report to the Administrator.) (Completed) A Data and Implementation Task Force, formed to address issues such as assessment of costs and benefits and technical readiness, completed a report on the future of PTC systems. The report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting. FRA enclosed the report with a letter Report to Congress signed May 17, 2000.

(Report to Congress.) The Appropriations Conferees included in the report on the FY 2003 DOT Appropriations Act a requirement for a second review of the costs and benefits of PTC. FRA will request the RSAC to comment on the draft report when available.

(Regulatory development.) The Standards Task Force, formed to develop PTC standards assisted in developing draft recommendations for performance-based standards for processor-based signal and train control systems. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. The NPRM was published in the **Federal Register** on August 10, 2001. A meeting of the Working Group was held December 4–6, 2001, in San Antonio, Texas to formulate recommendations for resolution of issues raised in the public comments. Tentative agreement was reached on most issues raised in the comments, but discussion of comments on a significant issue—the circumstances under which the base case employed in the risk assessment would need to be adjusted—revealed issues of ambiguity and disagreement. A meeting was held May 14–15, 2002, in Colorado Springs, Colorado at which the Working Group approved creation of a team to further explore issues related to the “base case” and related issues. Briefing of the full RSAC on the “base case” issue was completed on May 29, 2002, and consultations continued within the working group. The full Working Group met October 22–23, 2002, and again March 4–6, 2003. Resolution of the “base case” issue was considered by the Working Group at the July 8–9, 2003, meeting. While the Working Group was unable to reach agreement on resolution of the “base case,” it did approve by consensus recommendations for resolution of several issues raised in the comments on the NPRM. Those recommendations were circulated to the full Committee for mail ballot, and responses were requested by August 14, 2003. A majority of Committee members either voted to return the recommendations to the Working Group for reconsideration or non-concurred in the recommendations. Under RSAC procedures, the effect of this vote is to conclude Committee action on the topic. FRA is completing the final rule for review and clearance.

(Other program development activities.) Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work toward development of a risk assessment

toolkit, and the Working Group continues to meet to monitor the implementation of PTC and related projects. Contact: Grady Cothen (202) 493-6302.

Task 97-7—(Terminated) Determining damages qualifying an event as a reportable train accident. Action on this topic was terminated based on the recommendations of the Accident/ Incident Working Group.

Task 00-1—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection). The Working Group held its first meeting on October 16-18, 2000, and six meetings have been held since then. FRA is reviewing the status of this activity. Contact: Doug Taylor (202) 493-6255.

Task 01-1—(Completed) Developing conformity of FRA's regulations for accident/incident reporting (49 CFR part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide).

Task 03-01—Amendments to the Passenger Equipment Safety Standards (49 CFR part 238) and the Passenger Train Emergency Preparedness (49 CFR part 239). This Task was accepted May 20, 2003, and a Working Group was established. Prior to embarking on substantive discussion of a specific task, the Working Group will set forth in writing a specific description of the task. The Working Group will hold its first meeting September 9-10, 2003. The Working Group will report any planned activity to the full Committee at each scheduled Committee meeting, including milestones for completion of projects and progress toward completion.

Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC, on September 8, 2003.

George A. Gavalla,

Associate Administrator for Safety.

[FR Doc. 03-23773 Filed 9-17-03; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Annual List of Defect and Noncompliance Decisions Affecting Nonconforming Imported Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Annual list of defect and noncompliance decisions affecting nonconforming vehicles imported by registered importers.

SUMMARY: This document contains a list of vehicles recalled by their manufacturers during Calendar Year 2002 (January 1, 2002 through December 31, 2002) to correct a safety-related defect or a noncompliance with an applicable Federal motor vehicle safety standard (FMVSS). The listed vehicles are those that NHTSA has decided are substantially similar to vehicles imported into the United States that were not originally manufactured and certified to conform to all applicable FMVSS. The registered importers of those nonconforming vehicles are required to provide their owners with notification of, and a remedy for, the defects or noncompliances for which the listed vehicles were recalled.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115. Once NHTSA decides that a nonconforming vehicle is eligible for importation, it may be imported by a person who is registered with the agency pursuant to 49 U.S.C. 30141(c). Before releasing the vehicle for use on public streets, roads, or highways, the registered importer must certify to NHTSA, pursuant to 49 U.S.C. 30146(a), that the vehicle has been brought into conformity with all applicable FMVSS.

If a vehicle originally manufactured for importation into and sale in the United States is decided to contain a defect related to motor vehicle safety, or not to comply with an applicable FMVSS, 49 U.S.C. 30147(a)(1)(A) provides that the same defect or noncompliance is deemed to exist in any nonconforming vehicle that NHTSA has decided to be substantially similar and for which a registered importer has submitted a certificate of conformity to the agency. Under 49 U.S.C. 30147(a)(1)(B), the registered importer is deemed to be the nonconforming vehicle's manufacturer for the purpose of providing notification of, and a remedy for, the defect or noncompliance.

To apprise registered importers of the vehicles for which they must conduct a notification and remedy (*i.e.*, "recall") campaign, 49 U.S.C. 30147(a)(2) requires NHTSA to publish in the **Federal Register** notice of any defect or noncompliance decision that is made with respect to substantially similar U.S. certified vehicles. Annex A contains a list of all such decisions that were made during Calendar Year 2002. The list identifies the Recall Number that was assigned to the recall by NHTSA after the agency received the manufacturer's notification of the defect or noncompliance under 49 CFR part 573. After December 31, 2003, NHTSA will publish a comparable list of all defect and noncompliance decisions affecting nonconforming imported vehicles that are made during the current calendar year.

Under 49 U.S.C. 30120(a), a manufacturer may remedy a safety-related defect or noncompliance in a motor vehicle by repairing the vehicle, replacing the vehicle with an identical or reasonably equivalent vehicle, or by refunding the purchase price, less a reasonable allowance for depreciation. For each of the vehicles listed, the manufacturer elected to remedy the defect or noncompliance by repair, and not by replacing the vehicle or by refunding the purchase price.

Authority: 49 U.S.C. 30147(a)(2); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: September 12, 2003.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

ANNEX A—CALENDAR YEAR 2002 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS

Make	Model	Model year	NHTSA recall No.
ACURA	3.5RL	2000	02V119000