(temporary use) areas and borrow sites would be required, and would be located along the road corridor (8.1 hectares [20 acres]). The overall disturbed area associated with this project is expected to be less than 60.7 hectares (150 acres).

The primary users of the Browns Park Road are agriculturists, recreationists, and residents in the area. The upgrade of the road would greatly improve travel conditions and safety, and would substantially reduce present maintenance costs for the road. It would also support the increased travel demands projected for the near future.

The alternative is no action which would leave the road in its present condition. Suggestions for other alternatives are welcome.

Letters describing the proposed project and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal.

Three public open house scoping meetings will be held, two in Utah (Dutch John and Vernal), and one in Craig, Colorado. The open houses will include displays explaining the project and a forum for commenting on the project. The meetings will be held as follows:

Craig, Colorado: December 1, 1999, 5:00 p.m. to 8:00 p.m., Craig City Hall, 300 West 4th Street, Council Meeting Room

Vernal, Utah: December 2, 1999, 5:00 p.m. to 8:00 p.m., Western Park, 302 East 200 South

Dutch John, Utah: December 3, 1999, 5:00 p.m. to 8:00 p.m., Dutch John Conference Hall

Written comments on the scope of this proposal will be accepted until December 27, 1999. Comments should be directed to Linda Matthews, JBR Environmental Consultants, Inc., 8160 South Highland Drive, Suite A–4, Sandy, Utah 84093. At least one public hearing will be held following release of the Draft EIS. Public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed project is addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the EIS should be directed to Tom Allen, Environmental Engineer, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118–1847, Telephone: (801) 963–0078 Ext. 229.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Comments, including names and street addresses of respondents will be available for public review at the Utah Division of FHWA and at the BLM Vernal Field Office and will be subject to disclosure under the Freedom of Information Act (FOIA). They may be published as part of the Environmental Impact Statement and other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review and disclosure under the FOIA, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Michael Ritchie,

Division Administrator, Utah Division, Federal Highway Administration, Salt Lake City, Utah.

Linda S. Colville,

BLM Acting Utah State Director, Salt Lake City, Utah.

[FR Doc. 99–28943 Filed 11–8–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 8, 1999, at 64 FR 36831. Three respondents submitted comments pertaining to the collection. These are reviewed later in this notice.

DATES: Comments must be submitted on or before December 9, 1999.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, Office of Ports and Domestic Shipping, Maritime Administration, 400 7th Street, SW, Washington, DC 20590, Telephone 202–366–0760, or FAX 202–366–6988. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Maritime Administration (MARAD)

Title: Application for Waiver of the Coastwise Trade Laws for Small Passenger Vessels.

OMB Control Number: 2133–NEW.

Type of Request: Approval of a new request.

Affected Public: Small passenger vessel owners desirous of operating in the coastwise trade.

Form(s): None.

Abstract: Owners of ship vessels desiring waiver of the coastwise trade laws affecting small passenger vessels will be required to file a written application and justification for waiver to the Maritime Administration (MARAD). The agency will review the application and make a determination whether to grant the requested waiver.

Annual Estimated Burden Hours: 100 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention MARAD Desk Officer.

Comments Are Invited on

Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Comments Received in Response to 60-Day Comment Period

On July 8, 1999, a notice was published in the **Federal Register**, 64 FR

36831, requesting comments within 60 days on this information collection. Three respondents submitted comments. One concurred, indicating it appeared all interests have been served by the wording and thought behind this measure. The second respondent made three recommendations: (1) Eliminate the geographical region of intended operation and trade. MARAD's response—Non-concur, we find it necessary to require the geographical region in order to make the necessary determination of adverse affect of the requested waiver. (2) Eliminate the requirement to include impact on other commercial passenger vessel operators in the application for waiver. MARAD's response—Non-concur, the information on impact is needed to determine the adverse affect, if any, and is therefore retained in the application information collection requirements. (3) Eliminate the application fee. MARAD's response—Non-concur, the application fee will be retained as it is Federal policy to assess a ''user charge'' against each identifiable recipient for special benefits derived from Federal activities beyond those received by the general public (Office of Management and Budget Circular A–25, ''User Charges,'' July 8, 1993). Processing a waiver application would provide such a special benefit.

The third respondent proposed a number of changes to the proposed regulation. All comments are addressed in the preamble to the final rule. Here, we are concerned only with the four comments relevant to the information collection requirements: (1) Suggest that only the owner of the vessel should be able to submit a waiver application. MARAD's response—Concur, we have revised the rule to reflect this requirement. (2) Suggest the applicant be required to provide a statement explaining the duration of the applicant's ownership of the vessel, his cost of purchasing or otherwise obtaining the vessel, and the uses to which he has put the vessel since obtaining it. MARAD's response—We believe these questions are unnecessary for MARAD to effectively carry out its responsibilities under Title V of the Coast Guard Authorization Act of 1998. (3) The association supports the application fee of $300. (4) Require that no substantial change in employment of the vessel in the coastwise trade may be made without prior notice to MARAD. MARAD's response—Concur, we have added this requirement to the final rule, indicating that failure to provide advance notice may effect an immediate revocation of the waiver under section 388.5.

Issued in Washington, DC on November 3, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–29268 Filed 11–8–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–6207, Notice 1]

Bombardier Motor Corporation of America, Inc.; Receipt of Application for Determination of Inconsequential Noncompliance

Bombardier Motor Corporation of America, Inc. (''BMCA'') of Melbourne, Florida has applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301 ''Motor Vehicle Safety'' for a noncompliance with 49 CFR 571.209, Federal Motor Vehicle Safety Standard (FMVSS) No. 209, ''Seat Belt Assemblies,'' on the basis that the noncompliance is inconsequential to motor vehicle safety. BMCA has filed a report of noncompliance pursuant to 49 CFR part 573 ''Defects and Noncompliance Reports.''

Notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application.

Description of the Noncompliance

S4.1(j) of FMVSS No. 209 requires that each seat belt assembly be permanently and legibly marked or labeled with the year of manufacture, and the model and name or trademark of the manufacturer or distributor. The seat belt assemblies, manufactured by Good Success Corporation, model AB401 (309), and were installed in the Bombardier NVs sold between June 17, 1998 and April 9, 1999, do not contain the requisite marking or labeling. With the exception of the marking, the seat belt assemblies in question fully comply with all NHTSA safety requirements.

Bombardier Arguments

Bombardier argues that this noncompliance is inconsequential for the following reasons: ''Under the National Traffic and Motor Vehicle Safety Act (the ''Act''), 49 U.S.C. 30101 *et seq.*, each FMVSS that is promulgated is required to be ''practicable, meet the need for motor vehicle, and be stated in objective terms.'' 49 U.S.C. 30111(a). The definition of ''motor vehicle safety'' is as follows:

''Motor vehicle safety'' means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against *unreasonable risk of accidents* occurring because of the design, construction or performance of a motor vehicle, and against *unreasonable risk of death or injury* in an accident, and includes nonoperational safety of a motor vehicle.

Section 30118(d) of the Act exempts manufacturers from the Act's notice and remedy requirements when the Secretary determines that a defect or noncompliance is inconsequential as it relates to motor vehicle safety. Section 30118(d) of the Act demonstrates Congress' acknowledgment that there are cases where a manufacturer has failed to comply with a FMVSS and yet the impact on motor vehicle safety is so slight that an exemption from the notice and remedy requirements of the Act is justified.

FMVSS No. 209 provides the requirements for seatbelt assemblies. 49 CFR 571.209 S1 (1998). The purpose for seat belt assemblies is to provide occupant restraint. *Id* at S4.1(b). Although not discussed in regulations, common sense dictates that when a seat belt assembly is properly installed, the marking or labeling requirements at FMVSS No. 209 S4.1(j) play no role in the performance of such seatbelt assembly.''

The seat belt assembly labeling requirement at FMVSS No. 209 S4.1(j) provides in pertinent part:

Each seatbelt assembly shall be permanently and legibly marked or labeled with year of manufacture, model, and make or trademark of manufacturer or distributor, or of importer if manufactured outside the United States.

Because this standard does not address seatbelt assembly materials or performance requirements, the purpose of FMVSS No. 209 S4.1(j) appears to assure that the correct seat belt assemblies are installed in a given vehicle—either as original equipment manufacturer, or as replacement equipment. BMCA's noncompliance with FMVSS No. 209 S4.1(j) thus raises two questions:

(1) Could the labeling noncompliance have caused the seat belt assemblies to have been installed improperly by BMCA?

(2) Would the labeling noncompliance interfere with the proper acquisition and installation of a replacement seat belt assembly?

BMCA is confident that all noncompliant seat belt assemblies were properly installed at its manufacturing facility. Because BMCA only manufactures one motor vehicle subject to FMVSS, there can be little confusion regarding which belt goes in which vehicle. BMCA is also confident that the labeling noncompliance will not interfere with acquisition and installation of a replacement seat belt assembly should there even be one. The seat belt marking also assists should there be a recall regarding the seat belt, and would identify the belt by year and manufacturer. As BMCA has been selling NV for a short period, the chance of confusion over the year or seat belt manufacturer is remote.

Because of the design of the seat belt assemblies found in Bombardier NVs, it