

given at 6 p.m. and 7 p.m. A series of public meetings will be held in Missoula. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and 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 action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above. Additional project information can be obtained at the Web site ([www.millereis.com](http://www.millereis.com)) or from the Telephone Information 'Hotline' (1-800-865-6905).

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

(Authority: 23 U.S.C. 315; 49 CFR 1.48)

Issued February 25, 2003.

**Dale Paulson,**

*Program Development Engineer, Montana Division, Federal Highway Administration, Helena, MT 59602.*

[FR Doc. 03-4856 Filed 2-28-03; 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 approval. 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 November 5, 2002. No comments were received.

**DATES:** Comments must be submitted on or before April 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Thomas Olsen, Maritime Administration (MAR-560), 400 Seventh Street, SW., Washington, DC 20590. Copies of this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Determination of Fair and Reasonable Rates for Carriage of Agricultural Cargoes on U.S. Commercial Vessels.

*OMB Control Number:* 2133-0514.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* U.S. citizens who own or operate U.S.-flag vessels.

*Form(s):* MA-1025, MA-1026, and MA-172.

*Abstract:* This collection of information requires U.S.-flag operators to submit annual vessel operating costs and capital costs data to MARAD officials. The information is used by MARAD in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel operators are required to submit Post Voyage Reports to MARAD after completion of a cargo preference voyage.

*Annual Estimated Burden Hours:* 700 hours.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and

Budget, 725 17th Street, NW., Washington, D.C. 20503, Attention MARAD Desk Officer.

Comments are invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) 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.

Issued in Washington, DC on February 26, 2003.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 03-4898 Filed 2-28-03; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Voluntary Intermodal Sealift Agreement; Correction

The notice, announcing the extension of the Voluntary Intermodal Sealift Agreement (VISA) for another two-year period until February 13, 2005, appearing on pages 8800-8808 in the issue of Tuesday, February 25, 2003, should have included the following flow chart entitled: "Figure 1—VISA Activation Process Diagram" at the end of the document.

By Order of the Maritime Administrator.

Dated: February 26, 2003.

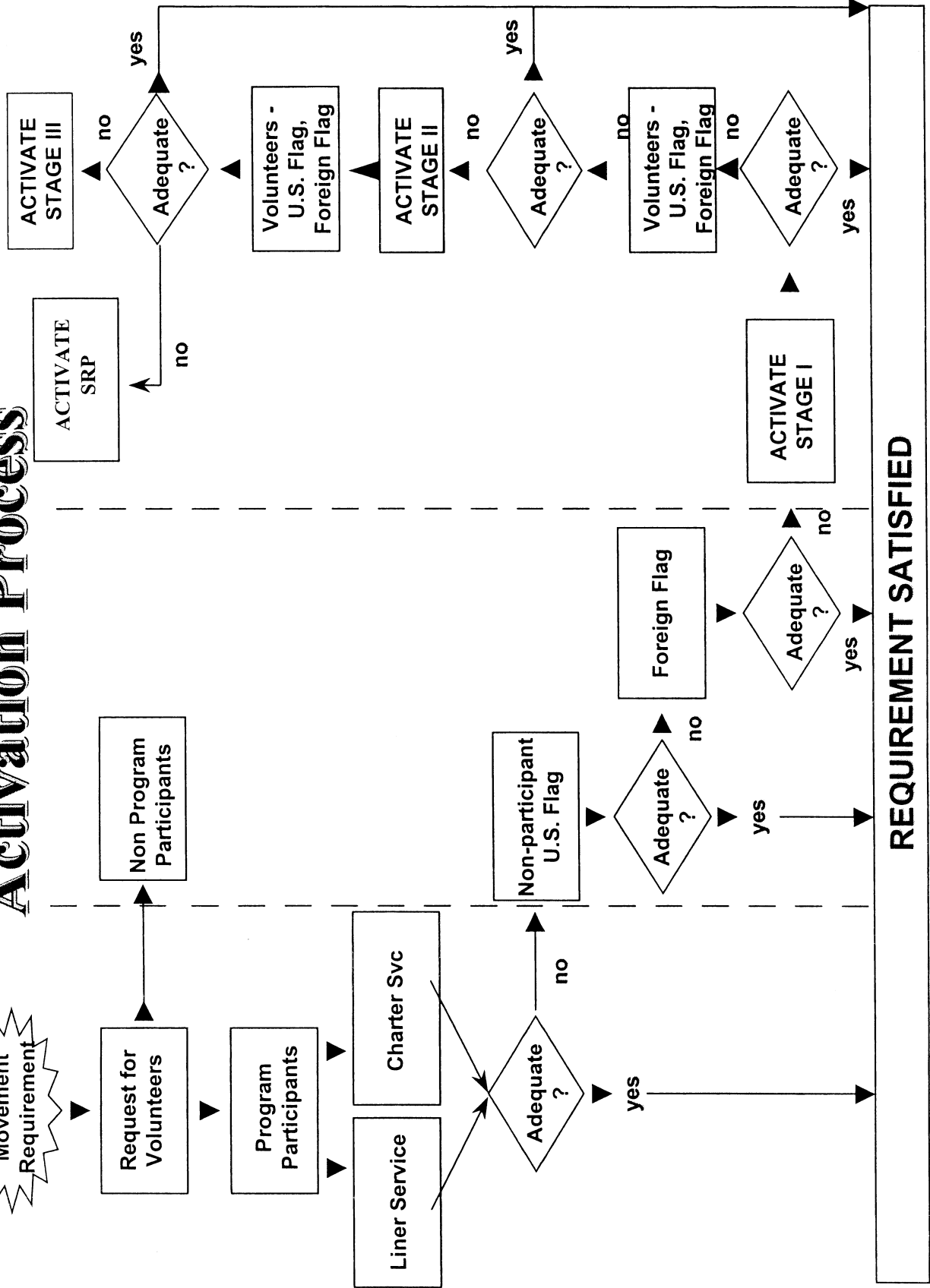
**Joel C. Richard,**

*Secretary, Maritime Administration.*

**BILLING CODE 4910-81-P**



# Activation Process



[FR Doc. 03-4899 Filed 2-28-03; 8:45 am]

BILLING CODE 4910-81-C

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-02-13956, Notice 2]

#### Lotus Cars Ltd.; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 201

This notice grants the application of Lotus Cars Ltd. ("Lotus") of Norwich, England, for a renewal of NHTSA Temporary Exemption No. 99-12, from S7, *Performance Criterion*, of Federal Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact*, as described below. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

We published notice of receipt of the application on December 4, 2002, requesting public comment on it (67 FR 72267).

#### Background

On November 10, 1999, NHTSA granted Lotus Cars Ltd. NHTSA Temporary Exemption No. 99-12 from S7, *Performance Criterion*, of Federal Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact* (64 FR 61379). The basis of the grant was that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. The exemption covered the Esprit model, and was to expire on September 1, 2002. However, Lotus applied for a renewal of its hardship exemption on May 10, 2002, thereby staying the expiration date until the agency has acted upon its petition (49 CFR 555.8(e)). The reader is referred to the 1999 notice for information on the original application and Administrator's decision to grant it.

#### Why Lotus Needs a Temporary Exemption

In early 1997, Lotus decided to terminate production of the Esprit on September 1, 1999, and to homologate another model, the Elise, for the American market beginning in 2000. This decision allowed it to choose the option for compliance with S7 provided by S6.1.3, *Phase-in Schedule #3*, of Standard No. 201, to forego compliance with new protective criteria for the period September 1, 1998—September

1, 1999, and to conform 100 percent of its production thereafter.

But a fresh look was taken at the direction of the company, and the plans of early 1997 were abandoned. In due course, new management decided to continue the Esprit in production beyond September 1, 1999, until September 1, 2002, while developing an all-new Esprit, and to remain in the American market without interruption. However, as described in its original petition, the company found itself unable to conform the current Esprit to Standard No. 201. It petitioned for, and received, a temporary exemption until September 1, 2002. Its continued need for an exemption is explained in the next section.

#### Why Compliance Would Cause Substantial Economic Hardship and How Lotus Has Tried in Good Faith To Comply With Standard No. 201

Lotus remarked that the entity that ultimately controls Lotus Cars is the manufacturer of Proton cars, "the Malaysian company Perusahaan Otomobil Nasional Berhad (Proton)." We noted in the December 4, 2002, notice that Lotus' balance sheets and income statements did not indicate that this Asian entity, itself a motor vehicle manufacturer, made capital contributions to Lotus or otherwise participated in the management of this British company. Lacking these indicia of control, we stated that we had decided not to count cumulatively the production of the two companies which, if totaling at least 10,000 units would render Lotus ineligible for a hardship exemption.

On December 16, 2002, during the comment period, Lotus addressed the question of its relationship to Proton. At the time Lotus filed its application in May 2002, Proton owned 80 percent of the shares of Lotus but had since acquired total ownership of the company. Proton had in fact made a capital contribution to the company "since its acquisition," which allowed Lotus "to pay off certain debts, return to solvency, and thus to continue trading." It noted that "the capital infusion also permitted continued operations from a cash-flow basis." Lotus argued that we should more properly consider the facts that (1) there is no similarity of design between the cars produced by Proton and Lotus, (2) Lotus designed and engineered the Esprit without assistance from Proton, and (3) Lotus's vehicles are imported and sold both in the U.S. and Europe by a dealer/distributor network "totally independent" of Proton. In support, Lotus reminded us that we had established these three criteria in

deciding that Maserati (when it was owned by Chrysler Corporation and G.B.M. S.p.A) and Ferrari (when Fiat held a 90-percent ownership interest) were eligible to apply for hardship exemptions (See respectively, 53 FR 28324, July 27, 1988 and 54 FR 46321, November 2, 1989). These three factors also exist in the Lotus case, and an additional one of relevance: the vehicle for which exemption is sought was designed well over 20 years ago when Lotus was an independent company. Therefore, we have decided that Lotus remains a small volume manufacturer within the meaning of the exemption legislation. In 1999, Lotus produced 2,569 automobiles; in 2000, 2,993 automobiles (including 127 Opel/Vauxhall cars); and in 2001, 5,181 automobiles (including 3,046 for Opel/Vauxhall). Over the same three-year period it exported 112, 162, and 48 vehicles respectively to the United States.

Notwithstanding the increase in production between 1999 and 2001, Lotus's financial submissions show the company's operating loss of 7,513,000 Pounds for its fiscal year 2001-2002, a loss of 20,244,000 Pounds for its fiscal year 2000-2001, and an operating profit of 12,368,000 Pounds for its fiscal year 1999-2000. This represents a cumulative loss of 15,389,000 Pounds, or \$24,622,400 computed at a rate of \$1.6 = 1 Pound.

Lotus had intended to cease production of the exempted Esprit by August 31, 2002, but the successor project was cancelled in early 2001 because of lack of capital. A back-up plan was conceived for a project called M260, but "was unable to launch itself." By the end of 2001, Lotus had laid off 197 employees, and, by early 2002, "an additional 241 employees were made redundant." However, it had located "an additional supply of air bags and transmissions \* \* \* permitting the construction of up to an additional 140 vehicles." The company stated that its "only hope for keeping the US market alive [is] to build the additional 140 Esprits, ending production on December 21, 2003," the period for which it has requested an exemption. No further exemption will be requested for the Esprit. It hopes to "find a way to finance" the M260 project for introduction in the U.S. in 2004, a vehicle being designed to conform with Standard No. 201.

Absent an exemption until 2004, Lotus will suffer the loss of the U.S. market, a substantial economic hardship.