

person to whom an Operating Agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b)."

Assuming MARAD does not disapprove the proposed transfer within 90 days of its acceptance of the completed application, Crowley and Automar have stated their intention to transfer MSP Operating Agreement MA/MSP-13 from the SEA FOX to the FAUST and MA/MSP-14 from the SEA LION to the FIDELIO. The FAUST and FIDELIO are existing U.S.-flag roll-on/roll-off (Ro/Ro) vessels and Automar has asserted that they are MSP eligible vessels under section 651(b) of the Act. Crowley and Automar have advised that this transfer is scheduled to occur on or before August 20, 1999. The third MSP Operating Agreement proposed for transfer is MA/MSP-15 from the SEA WOLF to the Ro/Ro vessel TANABATA, or an equivalent vessel, which is asserted to be an eligible vessel under section 651(b) of the Act, and would be reflagged to U.S.-registry no later than March 31, 2000.

In implementing the transaction, it is asserted that under a U.S. citizen owner trust structure, the vessels will be bareboat chartered to Automar's subsidiary (AICC) which will then time charter the FAUST, FIDELIO and TANABATA to American Roll-On Roll-Off Carrier LLC (ARC), a Delaware limited liability company, which will engage American V. Ships Marine, Ltd. (V Ships), to provide technical and management support to operate the FAUST, FIDELIO, TANABATA. These three vessels and a fourth existing U.S.-flag, non-MSP Ro/Ro vessel, the TELLUS, will be operated in U.S.-flag commercial service between the United States and Europe.

The application contains reference to section 804 of the Act concerning foreign-flag vessels which call on the United States and which are owned or chartered by a foreign corporation with connections to Automar. Automar asserts that the foreign involvement is limited to Fram Shipping Limited (Fram), a Bermuda corporation, which owns or charters foreign-flag vessels that may call on the United States from time to time, and which owns approximately 20 percent of the issued and outstanding shares of common stock of Automar. A foreign citizen director of Fram is also a director of Automar, however, the application states that Fram is only a portfolio investor and does not have the ability to divert any MSP payments to the foreign corporation or elect any

director to Automar's board. Automar asserts that there is not sufficient foreign affiliation to require the application of section 804 restrictions.

Crowley and Automar have requested that MARAD allow the proposed transfers to become effective in accordance with the application and pursuant to law. This notice invites comments on legal and policy issues that may be raised by the Crowley and Automar proposal relating to the sale of the ships and the transfer of the three subject MSP Operating Agreements. MARAD has received one comment in advance of this notice, questioning whether one or more MSP contracts may be transferred without a simultaneous transfer of the vessel operated under that contract (namely SEA FOX) to the same purchaser.

A redacted copy of the transfer application will be available for inspection at the DOT Dockets Facility and on the DOT Dockets website (address information follows). Any person, firm, or corporation having an interest in this proposal and desiring to submit comments concerning the application may file comments as follows. You should mention the docket number that appears at the top of this document. You should submit your written comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401 Nassif Building, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of the docket. You may call Docket Management at (202) 366-9324. You may visit the docket room to inspect and copy comments at the above address between 10 a.m. and 5 p.m., EDT. Monday through Friday, except Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>. Comments must be received no later than the close of business on July 23, 1999. This notice is published as a matter of discretion, and the fact of its publication should in no way be considered a favorable or unfavorable decision on the application, as filed, or as may be amended. MARAD will consider any comments timely submitted and take such action with respect thereto as may be deemed appropriate.

Dated: July 12, 1999.

By Order of the Maritime Administration.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99-18120 Filed 7-15-99; 8:45 am]

BILLING CODE 4910-81-P

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) 2000 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, 2001, and published in the **Federal Register** on February 18, 1999 (64 FR 8214).

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. By order of the Maritime Administrator on August 4, 1997, participation of U.S.-flag deepwater tug/barge operators in VISA was encouraged. Time, 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 equipment 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 will be jointly planned with 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 will be executed in accordance with approved DoD contracting methodologies. VISA Stage III will provide for additional capacity to the DoD when Stages 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 2000 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 2000 (October 1, 1999 through September 30, 2000). Current participants in the VISA program are not required to apply for FY 2000 reenrollment, as VISA participation will be automatically extended for FY 2000. This is the second annual enrollment period since the commencement of VISA. 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 applicants are required to enroll for the FY 2000 VISA program as described in this Notice. 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 award of FY 2000 DoD peacetime cargo.

It is the only planned enrollment period for carriers to join VISA and derive benefits for DoD peacetime contracts during FY 2000. 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 join VISA upon completion of reflagging at any time during the fiscal year.

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 preference 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 from the Director, Office of Sealift Support, at the address indicated below. The application package will include the February 18, 1999 VISA Agreement, 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 in order to assist MARAD in making a determination of the applicant's eligibility. An applicant company must be able to provide an affidavit that demonstrates that the company is a citizen of the United States, at least for purposes of vessel documentation, within the meaning of 46 U.S.C., section 12102, and that it owns, or bareboat charters and controls, oceangoing, militarily useful vessel(s) for purposes of committing assets to VISA. VISA applicants must return completed FY 2000 VISA application documents to MARAD not later than August 31, 1999. 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 2000 VISA open season, and prior to being enrolled in VISA, eligible VISA applicants will be required to execute a

joint Voluntary 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 2000. 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). Once the DoD contingency contract(s) are completed, 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: Raymond Barberesi, 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. The full text of this **Federal Register** Notice and 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: July 9, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99-18119 Filed 7-15-99; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Potential Service Interruptions in Supervisory Control and Data Acquisition Systems

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: RSPA is issuing this advisory bulletin to notify to owners and operators of natural gas and hazardous liquid pipeline systems of to advise them to review the capacity of their Supervisory Control and Data Acquisition (SCADA) system to ensure that the system has resources to accommodate normal and abnormal operations on its pipeline system. In addition, SCADA configuration and operating parameters should be periodically reviewed, and adjusted if necessary, to assure that the SCADA computers are functioning as intended. Further, operators should ensure that system modifications do not adversely affect overall performance of the

SCADA system. We recommend that the operator consult with the original system designer.

ADDRESSES: This document can be viewed on the Office of Pipeline Safety (OPS) home page at: <http://ops.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For further information, contact Chris Hoidal, Director, OPS Western Region at 303-231-5701, or by e-mail at chris.hoidal@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

During an Office of Pipeline Safety (OPS) investigation of a recent pipeline incident, OPS inspectors identified inadequate SCADA performance as an operational safety concern. Immediately prior to and during the incident, the SCADA system exhibited poor performance that inhibited the pipeline controllers from seeing and reacting to the development of an abnormal pipeline operation.

Preliminary review of the SCADA system indicates that the processor load (a measure of computer performance utilization) was at 65 to 70 percent during normal operations. Immediately prior to an upset condition occurring on the pipeline, the SCADA encountered an internal database error. The system attempted to reconcile the problem at the expense of other processing tasks. The database error, coupled with the increased data processing burden of the upset condition, hampered controller operations. In fact, key operator command functions were unable to be processed immediately prior to and during the abnormal operation. It is possible that post installation modifications may have hampered the system's ability to function appropriately.

The combination of the database error, the inadequate reserve capacity of the SCADA processor, and the unusually dynamic changes that occurred during the upset condition, appear to have combined and temporarily overburdened the SCADA computer system. This may have prevented the pipeline controllers from reacting and controlling the upset condition on their pipeline as promptly as would have been expected.

II. Advisory Bulletin (ADB-99-03)

To: Owners and Operators of Hazardous Liquid and Natural Gas Pipelines

Subject: Potential Service Interruptions in Supervisory Control and Data Acquisition Systems

Purpose: Inform pipeline system owners and operators of potential operational limitations associated

with Supervisory Control and Data Acquisition (SCADA) systems and the possibility of those problems leading to or aggravating pipeline releases.

Advisory: Each pipeline operator should review the capacity of its SCADA system to ensure that the system has resources to accommodate normal and abnormal operations on its pipeline system. In addition, SCADA configuration and operating parameters should be periodically reviewed, and adjusted if necessary, to assure that the SCADA computers are functioning as intended. Further, operators should assure system modifications do not adversely affect overall performance of the SCADA system. We recommend that the operator consult with the original system designer.

Stacey L. Gerard,

Director, Policy, Regulations and Training.

[FR Doc. 99-18023 Filed 7-15-99; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33767]

CSX Transportation, Inc.—Trackage Rights Exemption—Grand Trunk Western Railroad Incorporated

Grand Trunk Western Railroad Incorporated (GTW), a wholly owned subsidiary of Canadian National Railway Company (CN), has agreed to grant non-exclusive overhead trackage rights to CSX Transportation, Inc. (CSXT), over main line track of GTW between the proposed CN/Consolidated Rail Corporation (CRC) connection at Milwaukee Junction, Detroit, MI, near milepost 54.6 and the existing CN connection with Norfolk Southern Railway Company (NSR) at West Detroit, MI,¹ near milepost 50.2, on CN's Shoreline Subdivision, a total distance of approximately 4.4 miles.² The purpose of the trackage rights is to improve service to customers by reducing congestion and delays in the

¹ CSXT has the right to enter and exit the involved trackage at the proposed Milwaukee Junction connection and the existing connection at West Detroit or at other points that may be agreed upon by the parties.

² A redacted version of the trackage rights agreement between CSXT, CRC, NSR and GTW was filed with the notice of exemption. The full version of the agreement was concurrently filed under seal along with a motion for a protective order, which will be addressed in a separate decision. CRC and NSR are also apparently filing similar notices of exemption with the Board.