

www.uncitral.org/English/workinggroups/wgIVec/index.htm). Commentators may wish to review additional documents therein listed, including reports of prior Working Group meetings, Secretariat analyses, and other matters.

Project Timing: The UNCITRAL Working Group, composed of member and observer States and participants from other governmental and non-governmental organizations, will review the current draft text in mid-October at United Nations offices in Vienna, Austria, and a revised draft is expected to be available for comment by mid-November. The revised text will be reviewed by the Working Group at its next meeting in April 2005 in New York. If sufficient progress has been made and if support from enough countries is evidenced, the text could be finalized at UNCITRAL's annual Plenary session in July 2005. If that is not feasible, a text could be completed at the next succeeding annual plenary session in mid-2006. Once completed and if endorsed by the UN General Assembly, consideration would be given in the United States whether and on what terms to join the new treaty, or implement it in another manner, and whether to promote its adoption by other States.

Overview: As now drafted, the convention is intended to expand a common base-line between participating States of general principles applying to electronic transactional communications. These principles are largely drawn from relevant parts of the 1996 UNCITRAL Model law on Electronic Commerce, as well as similar provisions in uniform state laws and federal law adopted in the United States, including the 1999 Uniform Electronic Transactions Act (UETA), and the Electronic Signatures in Global and National Commerce Act ("E-Sign"), enacted by Congress in 2000. In addition to commercial transactions within its scope that cross State boundaries, the proposed convention would also apply to transactions governed by certain listed UN commercial law conventions and to such other treaties and international agreements as may be agreed upon by participating States. As an overlay to existing laws, the convention would be designed to promote harmonized rules and fill gaps between the laws that may otherwise apply, thus promoting efficiency and certainty in cross-border transactions. Particular notice should be given to certain provisions of the draft convention: Article 2 on general exclusions from the convention; Article 3 on party autonomy, which permits

parties to vary or modify the convention's terms as to their transactions; Article 8, which provides that parties cannot be obligated by this treaty to use e-messages; and Article 18, which allows each country to exclude such further matters as it deems appropriate. Finally, as the present draft indicates, it is expected that a number of optional provisions (called declarations) will permit States to further modify certain provisions from time to time. That flexibility, as well as the optional exclusions in article 18, would allow adjustment of the rules to specific classes of transactional activity, as usages change and the needs of electronic commerce grow over time.

Commentators should take into account the provisions of current laws in the United States noted above, as well as other state and federal law. Attention should also be given to existing legal treatment in other countries and in regional bodies such as the European Union, as well as relevant treaties and international agreements.

Public Comment: Comments can be sent to the Office of the Assistant Legal Adviser for Private International Law of the Department of State in any form addressed to Harold S. Burman (L/PIL) 2430 E Street, NW., Suite 355 South Building, Washington, DC 20037-2800, or by fax to (202) 776-8482, or by e-mail to halburman@aol.com.

Meeting(s): Persons wishing to attend one or more public meetings or to receive direct notice of further convention drafts and other information may do so by contacting Cherise Reid at ReidCD@state.gov or by fax at (202) 776-8482 with their names, contact numbers, including e-mail addresses, and affiliations, if any. Meetings are expected to be scheduled in the week of September 13 in the Washington, DC metropolitan area in conjunction with a forum on CEFAC, a body of the UN's Economic Commission for Europe, and additional meetings are expected to be scheduled after release of the next revised draft convention in November 2004.

Dated: August 24, 2004.

Harold S. Burman,

*Advisory Committee Executive Director,
Department of State.*

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: The FMCSA announces its denial of 51 applications from individuals who requested an exemption from the Federal vision standard applicable to interstate truck drivers and the reasons for the denials. The FMCSA has statutory authority to exempt individuals from the vision standard if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions does not provide a level of safety that will equal or exceed the level of safety maintained without the exemptions for these commercial motor vehicle drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, (MC-PSD), (202) 366-4001, Department of Transportation, FMCSA, 400 Seventh Street, SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the Federal vision standard for a renewable two year period if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption (49 CFR 381.305(a)).

Accordingly, FMCSA evaluated 51 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria established to demonstrate that granting an exemption is likely to achieve an equal or greater level of safety than exists without the exemption. Each applicant has, prior to this notice, received a letter of final disposition on his/her individual exemption request. Those decision letters fully outlined the basis for the denial and constitute final agency action. The list published today summarizes the agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reason for denials.

The following 28 applicants lacked sufficient recent driving experience over three years:

Behrer, Ed
Boven, Scott H.
Bradford, Johnny W.
Briones, Joe C.
Cupples, Geoffrey
Dean, Joseph A.
Decker, Karl
Fix, James E.
Fogle, Stephen B.
Grey, Walter M.
Gysberg, Rocky D.
Holt, Jeffrey L.
Lovejoy, Michael J.
McDade, Matthew
Mena, Jaime E.
Miller, Odis G.
Perkins, Kenneth D.
Peters, Karl
Remsburg, III, Albert L.
Roy, Paul R.
Schmitt, James L.
Siano, Jr., Peter
Slinde, Jay A.
Smith, Wayne M.
Stanley, John W.
Thompson, Jr., Ned
Wheeler, Greg
Williams, Dennis J.

Three applicants, Mr. Cory W. C. Thaine, Mr. Edward Tripp, Jr., and Mr. Danny R. Wood, do not have experience operating a commercial motor vehicle (CMV) and therefore presented no evidence from which FMCSA can conclude that granting the exemption is likely to achieve a level of safety equal to that existing without the exemption.

The following five applicants do not have three years of experience driving a CMV on public highways with the vision deficiency:

Fultz, Ronald K.
Hilliker, Jason D.
Jackman, Steven R.
Watkins, Sr., William A.
Worley, Billy

Three applicants, Mr. George H. Blakey, Mr. Curtis A. Boyster, and Mr. Terry J. Edwards, do not have three years of recent experience driving a CMV with the vision deficiency.

Two applicants, Mr. Thomas G. Carpenter and Mr. Donald L. Scoville, meet the vision requirements of 49 CFR 391.41(b)(10) and do not need a vision exemption.

One applicant, Mr. Bruce A. Homan, was charged with a moving violation in conjunction with a CMV crash, which is a disqualifying offense.

The following four applicants had their commercial driver's license suspended during the three year period, in relation to a moving violation. Applicants do not qualify for an

exemption with a suspension during the three year review period.

Barnett, Jamenson L.
Bone, Stephen M.
Ross, James C.
Wise, Gregory

The following three applicants, Mr. William J. Cunningham, Mr. Robert A. Miller, and Mr. Lasaro R. Salgado, contributed to a crash while operating a CMV, which is a disqualifying offense.

One applicant, Mr. Ruben Duron, did not hold a license that allowed operation of vehicles over 10,000 pounds for all or part of the three year period.

One applicant, Mr. Gilbert L. Martinez, does not meet the vision standard in the better eye.

Issued on: August 16, 2004.

Rose A. McMurray,

Associate Administrator for Policy and Program Development.

[FR Doc. 04-19807 Filed 8-30-04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18923; Notice 1]

CCI Manufacturing IL Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

CCI Manufacturing IL Corporation (CCI) has determined that certain brake fluid containers manufactured by its supplier, Gold Eagle, do not comply with S5.2.2.2(d) of 49 CFR 571.116, Federal Motor Vehicle Safety Standard (FMVSS) No. 116, "Motor vehicle brake fluids." CCI has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), CCI has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of CCI's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Affected are a total of approximately 21,204 units of brake fluid containers manufactured in March 2004. S5.2.2.2 of FMVSS No. 116 requires that:

Each packager of brake fluid shall furnish the information specified in [paragraph d] of this S5.2.2.2 by clearly marking it on each brake fluid container or on a label (labels)

permanently affixed to the container * * *. After being subjected to the operations and conditions specified in S6.14, the information required by this section shall be legible * * *.

The information specified in paragraph d of S5.2.2.2 is "[a] serial number identifying the package lot and date of packaging." With regard to the noncompliant brake fluid containers, the lot and date codes required by S5.2.2.2(d) are not legible after the containers are subjected to the test conditions of S6.14.

CCI believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. CCI states:

NHTSA has identified only one purpose for [the lot and date code] marking: namely, "to facilitate determination of the extent of defective brake fluid should such be discovered." * * * While it is clearly in the manufacturer's interest to be able to limit the "extent of defective brake fluid should such be discovered," by reference to lot/date code markings, there is no serious risk to motor vehicle safety if that information is lost. Instead, in the event of a defect or noncompliance determination affecting certain batches of brake fluid, the brake fluid manufacturer would be compelled to recall a larger population of brake fluid containers than it otherwise would need to do, because it could not rely on the presence of a legible lot/date code marking to limit the population of the recall.

CCI explains that it sold the affected brake fluid only to Mercedes-Benz, who then distributed it to its dealerships and authorized repair facilities. CCI states:

First, Mercedes-Benz purchases and distributes the brake fluid to its dealerships and authorized repair facilities in bulk quantities, and those products are used quickly. Even in the unlikely event that a dealership or repair facility could not read the lot/date code on a particular container of brake fluid, that entity would likely have other containers from the same lot/date code on its premises, and could ascertain the lot/date code for the fouled container from its companion products. Second, CCI believes that all of the noncompliant containers in Mercedes-Benz's inventory may already have been used.

CCI does not believe Mercedes-Benz offers the brake fluid for retail sale to customers, however it cannot be certain.

CCI states that the brake fluid containers comply with all other requirements of FMVSS No. 116 and the brake fluid itself complies with the substantive performance requirements of FMVSS No. 116. CCI indicates that it has corrected the problem.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S.