

12898 on Environmental Justice. After publication, the draft NEPA document will be available for comment by the public and other agencies. The final NEPA review will consider the public and agency comments received during the public circulation of the draft EIS, will refine the project as appropriate in response to the comments, will continue with Preliminary Engineering of the Project, and will develop the preferred alternative, including committed mitigation measures. Opportunity for additional public comment will be provided throughout all phases of the project development, and will be announced through the mailing list, on the project website, or by other means.

Issued on: October 30, 2002.

**Lee O. Waddleton,**

*Regional Administrator, Federal Transit Administration.*

[FR Doc. 02-28245 Filed 11-5-02; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2001-10526; Notice 2]

#### Decision That Nonconforming 1999 Ferrari F355 Passenger Cars Are Eligible for Importation

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

**ACTION:** Notice of decision by NHTSA that nonconforming 1999 Ferrari F355 passenger cars are eligible for importation.

**SUMMARY:** This document announces the decision by NHTSA that 1999 Ferrari F355 passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1999 Ferrari F355), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective as of the date of its publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Luke Loy, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

**SUPPLEMENTARY INFORMATION:**

### Background

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 originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC, of Baltimore, MD, ("J.K.") (Registered Importer 90-006) petitioned NHTSA to decide whether 1999 Ferrari F355 passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on September 24, 2001 (66 FR 48905) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

Three comments were received in response to the notice of the petition. Only one of these, from Ferrari North America (FNA), the U.S. representative of the vehicle's manufacturer, provided substantive technical information relating to the petition. The other comments were in favor of granting the petition, with one party identifying a recall that would need to be addressed. The FNA comments and subsequent responses from J.K. and FNA with respect to each FMVSS that the comments addressed are discussed below.

#### Standard Nos. 208—Occupant Crash Protection, and 209—Seat Belt Assemblies

On October 24, 2001, FNA stated that J.K. failed to note differences between the U.S.-certified 1999 Ferrari F355 and non-U.S. certified versions of the vehicle with respect to 12 parts directly

relating to Standard No. 208 and/or Standard No. 209. FNA stated that the seat belts in the U.S. version are different from those in the non-U.S. version with respect to labeling and the child seat ratchet mechanism. On April 11, 2002, J.K. stated that all modified vehicles will have the U.S. parts for all seat belt components and thus will comply with Standard Nos. 208 and 209. On May 6, 2002, FNA stated that NHTSA should condition the importation of non-U.S. certified 1999 Ferrari F355 passenger cars on a requirement that registered importers (RIs) replace any non-U.S. model parts related to Standard Nos. 208 and 209 with U.S. model parts. On June 3, 2002, J.K. agreed and reiterated that all components would be inspected for U.S. part numbers and, where necessary, U.S. parts will be installed.

#### Standard No. 214—Side Impact Protection

On October 24, 2001, FNA stated that only U.S. and Canadian versions of the 1999 Ferrari F355 were equipped with specially designed door beams that are needed to meet this standard. FNA stated that there was no practical method of installing door beams on the outside of the door frame, as was done on the U.S. certified version of the vehicle, without major disassembly of the door. FNA also stated that the door beam material was not available from FNA, as J.K. had claimed in the petition. FNA contended that the only way to achieve compliance with Standard No. 214 was to completely replace both the driver and passenger doors.

On April 11, 2002, J.K. responded that there are two ways to bring the non-U.S. certified 1999 Ferrari F355 into compliance with this standard: one method is to replace the non-U.S. model doors with U.S. model doors, as suggested by FNA; and the second method is to modify the non-U.S. model doors by installation of a door beam.<sup>1</sup> J.K. stated that beam stock that is identical to the door beam stock that Ferrari installs in the U.S. door is available from Ferrari's supplier. J.K. stated that the door beams can be installed from inside the door and mounted on the stock mounts, and asserted that the finished product would have door beam installations that are

<sup>1</sup> We note that for purposes of determining eligibility for importation, replacement of a door is a simple modification that clearly would meet the criteria of 49 U.S.C. 30141(a)(1)(A)(iv). However, J.K. stated that it would prefer to modify the vehicle by installing an additional door beam, since that would be far less expensive.

identical to those on the U.S. certified version of the vehicle.

On May 6, 2002, FNA stated that J.K. had not provided any basis to support its claim that the installation of a side impact door beam in a non-U.S. certified 1999 Ferrari F355 would allow the vehicle to meet the requirements of Standard No. 214. FNA reiterated its view that any door lacking an original equipment door beam would have to be replaced with an entire new U.S. model door.

On June 3, 2002, J.K. advised NHTSA that it would conduct a static Standard No. 214 test of its door beam installation and supply the test results to the Office of Vehicle Safety Compliance (OVSC). Subsequently, J.K. provided OVSC with the test report regarding a test conducted at the MGA test laboratory. The test report indicates that the door met the requirements of the standard, with a compliance margin of 17–21%. However, the MGA test did not actually test the strength of the door as mounted on a vehicle, since the door was mounted on a rigid (non-movable) fixture. The rigid fixture did not simulate the bending that would be associated with the door front hinge-to-A pillar and the rear door latch-to-B pillar connections during the application of test forces.

The agency has reviewed the test report prepared by MGA. In our view, because the boundary conditions used in the MGA test were too restrictive and added additional resistive force, a passing result in that test does not necessarily demonstrate that a vehicle equipped with a door constructed in the same manner as the one tested will be in conformance with the static test requirements of Standard No. 214. We note that a more convincing simulation would utilize boundary conditions that allow translation and rotation in the same way door hinges do to account for the vehicle body deformation. Nevertheless, given the margin of compliance in the MGA test, we cannot say that a vehicle modified in this way would not comply with the standard.

After considering all the circumstances, we have concluded that the 1999 non-U.S. certified Ferrari F355 is capable of being readily altered to comply with the static test requirements of the standard. We note, however, that J.K. did not provide a test demonstrating compliance of a vehicle equipped with the modified door with the dynamic crash test requirements of Standard No. 214. While it is likely that the non-U.S. certified version would meet these dynamic test requirements (and FNA has not contended otherwise), modification of the door could

conceivably have an adverse effect, particularly if padding originally installed in the vehicle door is removed. Therefore, the agency will require any RI modifying a 1999 Ferrari F355 to reinstall any padding or other material taken out of the door during the installation of a door beam.

#### **Standard No. 301—Fuel System Integrity**

On October 24, 2001, FNA stated that, contrary to assertions in the petition, the rollover valve and the check valve are not the only safety-related components of the fuel system on the non-U.S. certified 1999 Ferrari F355 relevant to compliance with Standard No. 301. On April 11, 2002, J.K. responded that all parts of the fuel system, including the fuel tanks, fuel lines, rollover valves, carbon canisters, and purge valves, would be inspected during conversion. J.K. agreed that it would assure that all these parts would bear the U.S. model part number, and they would be mounted in the stock U.S. model location using the U.S. specification hardware. J.K. stated that the non-U.S. certified 1999 Ferrari F355 has the same mounting points as its non-U.S. certified counterpart. On May 6, 2002, FNA essentially agreed that if all non-U.S. model parts related to Standard No. 301 were replaced with U.S. model parts, there would be no compliance issue.

#### **49 CFR Part 581—Bumper Standard**

On October 24, 2001, FNA pointed out that J.K. had erroneously stated in its petition that the bumpers and the support structure for the bumpers on the non-U.S. certified 1999 Ferrari F355 were the same as those on the U.S. certified model. FNA stated that the U.S. model bumpers are stronger and heavier than those on the non-U.S. certified vehicle. FNA also stated that the bumper support trestle assembly is not part of the non-U.S. model bumper assembly.

On April 11, 2002, J.K. agreed that modifications would be needed to bring the non-U.S. certified 1999 Ferrari F355 into conformance with the Bumper Standard. J.K. identified two ways of doing this. One of those ways was for the bumpers and bumper mounting structures to be replaced with U.S. model parts. The second method would be to modify the non-U.S. model bumpers to meet the standard. J.K. stated that the bumpers on the non-U.S. certified 1999 Ferrari F355 are readily modifiable, in part because they are substantially similar to those on the U.S. certified version of the vehicle. J.K. stated that it planned to use the modifications that it used and tested in

connection with its import eligibility petition for the 2001 Ferrari 360 (notice of grant published on April 10, 2002 at 67 FR 17483) to modify the bumper systems on the 1999 Ferrari F355.

On May 6, 2002, FNA contended that any bumper modification on non-U.S. certified 1999 Ferrari F355 vehicles must be tested to demonstrate conformance to the requirements of Part 581. On June 3, 2002, J.K. responded that it had performed testing of its modified bumper system on the 2001 Ferrari 360, and that the testing demonstrated the adequacy of its modification. J.K. also noted that other RIs might choose to install U.S. model bumpers and bumper support structures.

The agency notes that Bumper Standard compliance issues are not directly relevant to an import eligibility decision, as that decision is to be based on the capability of a non-U.S. certified vehicle to be readily altered to conform to the FMVSS, and the Bumper Standard in 49 CFR Part 581 is not an FMVSS. That matter aside, the agency is of the opinion that the test conducted by J.K. of the bumpers on the non-U.S. certified Ferrari 360 is sufficient to demonstrate that the non-U.S. certified 1999 Ferrari F355 is capable of being altered to meet the Bumper Standard.

In consideration of the foregoing, NHTSA has concluded that the non-U.S. certified 1999 Ferrari F355 is substantially similar to the non-U.S. certified version of the vehicle and that it is capable of being readily altered to meet all applicable FMVSS, as well as the Bumper Standard at 49 CFR part 581. Accordingly, the agency has decided to grant the petition.

#### **Vehicle Eligibility Number for Subject Vehicles**

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-391 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

#### **Final Decision**

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1999 Ferrari F355 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to 1999 Ferrari F355 passenger cars originally manufactured for importation into and sale in the United

States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: November 1, 2002.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 02-28243 Filed 11-5-02; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34254]

#### CSX Transportation, Inc.—Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NS) has agreed to grant CSX Transportation, Inc. (CSXT) trackage rights on the “Lima Running Track” between the connection to NS’s subdivision at Eire Junction near milepost SP 90.4 and milepost 91.9 along with associated yard and sidetrackage at South Lima Yard, at

Lima, OH, a distance of approximately 1.5 miles.<sup>1</sup>

CSXT stated that it proposed to consummate the transaction on October 22, 2002, but the exemption did not become effective until October 24, 2002 (7 days after the exemption was filed).

The purpose of the trackage rights is to allow CSXT to achieve certain operating economies.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34254, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each

pleading must be served on Natalie S. Rosenberg, 500 Water Street, J150, Jacksonville, FL 32202.

Board decisions and notices are available on our Web site at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: October 29, 2002.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-28071 Filed 11-5-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Notice of Cancellation of Customs Broker Permit

**AGENCY:** U.S. Customs Service,  
Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker local permits are canceled without prejudice.

Name	Permit No.	Issuing port
Arthur Andersen LLP .....	93-008 .....	Houston.
Arthur Andersen LLP .....	(no number) .....	Detroit.
US Express International, Inc. ....	D-09-01 .....	Dallas/Ft. Worth.
Edward M. Jones Co., Inc. ....	093 .....	Seattle.
Khosrow Khorraminejad .....	16001-P .....	San Francisco.
James F. Mooring .....	5386-056 .....	Houston.
Fritz Companies, Inc. ....	007 .....	Great Falls.
Independent Brokerage LLC .....	056 .....	Great Falls.
Fritz Companies, Inc. ....	057 .....	Seattle.
Tower Group International, Inc. ....	112 .....	Seattle.

Dated: October 22, 2002.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 02-28253 Filed 11-5-02; 8:45 am]

**BILLING CODE 4820-02-P**

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Notice of Revocation of Customs Broker License

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930 as amended (19 U.S.C. 1641) and the Customs Regulations [19 CFR 111.45(a)], the following Customs broker license is revoked by operation of law.

Name	License No.	Port
General Shipping, Inc.	7650	New York.

Dated: October 22, 2002.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 02-28251 Filed 11-5-02; 8:45 am]

**BILLING CODE 4820-02-P**

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Notice of Revocation of Customs Broker Permit

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice.

<sup>1</sup> An unredacted version of the Trackage Rights Agreement, as required by 49 CFR 1180.6(a)(7)(ii),

was concurrently filed under seal along with the motion for a protective order. That motion was

granted and a protective order was issued in a decision served on October 24, 2002.