

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 Federal motor vehicle safety standards.

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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas ("WETL") (Registered Importer 90-005) has petitioned NHTSA to decide whether 1991 Cadillac Seville passenger cars originally manufactured for the European and other foreign markets are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 1991 Cadillac Seville passenger cars that were manufactured for sale in the United States and certified by their manufacturer, General Motors Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1991 Cadillac Seville passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 1991 Cadillac Seville passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1991 Cadillac Seville passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic tires*, 110 *Tire Selection and Rims*, 113 *Hood Latch Systems*, 116

Brake Fluid, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1991 Cadillac Seville passenger cars comply with the Bumper Standard found in 49 CFR part 581 and with the Vehicle Identification Number plate requirement of 49 CFR part 565.

Petitioner also contends that the non-U.S. certified 1991 Cadillac Seville passenger cars are not identical to their U.S. certified counterparts, as specified below, but still comply with the following Standard in the manner indicated:

Standard No. 101 Controls and Displays: the speedometer indicates both kilometers per hour and mile per hour. The odometer indicates kilometers and is labeled as such. The brake warning indicator meets the requirements.

Petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: removal and replacement of the headlamps and tail lamps with U.S.-model components.

Standard No. 111 Rearview Mirror: inscription of the required warning statement on the passenger side rearview mirror by applying to the mirror's face a photomask template bearing the required wording and sandblasting, with a mini-sandblaster, the photomasked area with 150 grit aluminum oxide.

Standard No. 114 theft Protection: installation of an audible warning device that will be activated whenever the key is left in the ignition and the driver's door is opened.

The petitioner also states that a certification label must be affixed to the driver's side door jamb to meet the requirements of 49 CFR part 567.

Standard No. 208 Occupant Crash Protection: installation of a seat belt warning buzzer module, wired to the driver's seat belt latch. The petitioner states that the vehicle is equipped with

U.S.-model driver's and passenger's side air bags and knee bolsters, and with Type II seat belts at all front and rear outboard seating positions.

Additionally, the petitioner states that all vehicles will be inspected prior to importation to ensure that they are equipped with U.S.-model anti-theft devices, and that all vehicle that are not so equipped will be modified to comply with the Theft Prevention Standard at 49 CFR part 541.

The petitioner states that the vehicles will also require the installation of a certification label in the driver's side door jamb that meets the requirements of 49 CFR part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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: January 16, 2002.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 02-1512 Filed 1-18-02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34160 (Sub-No. 1)]

Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No.

34160¹ to permit the trackage rights to expire, as they relate to the operations extending from Fort Worth, TX, to Temple, TX, on February 23, 2002.

DATES: This exemption is effective on February 21, 2002. Petitions to stay must be filed by February 1, 2002. Petitions to reopen must be filed by February 11, 2002.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34160 (Sub-No. 1) must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: 1 (800) 877-8339].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dã 2 Dã Legal, Suite 405, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 293-7776. [Assistance for the hearing impaired is available through TDD services 1 (800) 877-8339].

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 11, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

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¹ On December 27, 2001, UP concurrently filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the trackage rights agreement (agreement) by The Burlington Northern and Santa Fe (BNSF) to grant temporary overhead trackage rights to UP over approximately 129 miles of BNSF's Ft. Worth Subdivision between BNSF milepost 6.1, near Ft. Worth, TX, and BNSF milepost 218.1, near Temple, TX. See *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34160 (STB served Jan. 11, 2002). The agreement is scheduled to expire on February 23, 2002. The trackage rights operations under the exemption were scheduled to be consummated on or after January 3, 2002.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33928]

Norfolk Southern Corporation and Norfolk Southern Railway Company—Construction and Operation—in Indiana County, PA

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of filing of application and request for public comments.

SUMMARY: Norfolk Southern Corporation and Norfolk Southern Railway Company have filed an application under 49 U.S.C. 10901(a) for authority to construct and operate a 5.26-mile line of railroad in Indiana County, PA.¹ The Board will entertain comments and replies on whether this application meets the criteria of 49 U.S.C. 10901.

DATES: Comments are due on January 31, 2002. Replies are due on February 5, 2002.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Finance Docket No. 33928 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of comments to applicants' representatives: Constance A. Sadler, Sidley Austin Brown & Wood, 1501 K Street, NW., Washington, DC 20005 and John V. Edwards, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565-1600. [TDD for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: On December 27, 2001, Norfolk Southern Corporation (NSC) and Norfolk Southern Railway Company (NSR) (collectively, NS) filed an application under 49 U.S.C. 10901(a)² for authority

¹ In anticipation of the filing of the application, applicants requested that the Board grant a protective order to maintain the confidentiality of sensitive materials. The request was granted in a decision served February 8, 2001.

² On the same day, NS filed a Petition for Procedural Schedule proposing a timetable for the submission of public comments and replies regarding this project, not including environmental review. The Board's regulations governing construction applications at 49 CFR 1150.10 establish the procedures for public participation. NS cited a need for expedition in support of its schedule. But the only effect of the schedule proposed by NS is to give itself additional time to reply to any comments. A need for expedition does not justify such a request. If the comments filed require more time for reply than that provided by the regulations, NS may seek additional time at that time. This proceeding shall be conducted according

to construct and operate a 5.26-mile line of railroad between Saltzburg and Clarksburg, in Indiana County, PA (the Saltzburg Connection).³ The new line is part of a larger project creating a new route from the south for NSR to serve the Reliant Energy Keystone Generating Plant (Keystone Plant) at Shelocta, PA (the Keystone Project).⁴

NSR currently serves the Keystone Plant over the Northern Route, a circuitous and mountainous route utilizing trackage rights over a substantial portion of the route. Northern Route coal originates with Pittsburgh Steam coal producers located in southwest Pennsylvania and northern West Virginia on the NS-operated Monongahela Line.

NS contends that the new Southern Route will have a greater capacity than the existing Northern Route, and that it will save time, crews and locomotives required to provide rail deliveries to the Keystone Plant. NS further asserts that it will be a shorter, more efficient, effective, and environmentally superior alternative to the Northern Route. Although no shippers other than the Keystone Plant will be served by the new Southern Route, NS claims that the new route will provide an efficient service outlet to the rest of the NS system should new businesses locate in the area served by that route in the future.

Environmental review of the application is currently ongoing by the Board's Section of Environmental Analysis (SEA). On November 17, 2000, SEA granted NS's request for a waiver of the 6-month pre-filing notice generally required for construction projects under 49 CFR 1105.10(a). NS filed a request for waiver of the Environmental Impact Statement under 49 CFR 1105.6 on January 16, 2001, which was granted by SEA in a letter dated January 24, 2001. Because a third-party consultant has been retained to prepare the necessary environmental documentation under the Board's direction and supervision, the Board's environmental reporting requirements are not applicable to this application. See 49 CFR 1105.10(d).

Written comments (an original and 10 copies) on the application to construct

to 49 CFR 1150.10(g) and (h), as set forth in this notice.

³ According to applicants, NSC, NSR or one of their respective subsidiaries will construct, and NSR will operate, the new line of railroad.

⁴ The other parts of the project involve the rehabilitation of an out-of-service line between Clarksburg and Shelocta and the modification of the existing Keystone Connection near Shelocta that will connect the rehabilitated Clarksburg Segment with the existing Shelocta Industrial Running Track. The three parts of the project will be collectively referred to as the Shelocta Secondary.