

Consumptive Use of Up to 5.000 mgd, Approval Date: April 27, 2009.

43. Anadarko E&P Company, LP, R. Carlin #2H and #3H, ABR20090443, Snow Shoe Township, Centre County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: April 27, 2009.

44. Anadarko E&P Company, LP, COP Tract 252 #1000H, ABR20090444, Grugan Township, Clinton County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: April 27, 2009.

45. Anadarko E&P Company, LP, COP Tract 252 #1001H and #1002H, ABR20090445, Grugan Township, Clinton County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: April 27, 2009.

**Authority:** Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR Parts 806, 807, and 808.

Dated: May 6, 2009.

**Thomas W. Beauduy,**  
Deputy Director.

[FR Doc. E9-12047 Filed 5-22-09; 8:45 am]

BILLING CODE 7040-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2009-0094]

#### Notice of Receipt of Petition for Decision That Nonconforming 2006 Ferrari 599 Passenger Cars Manufactured Before September 1, 2006 Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 2006 Ferrari 599 passenger cars manufactured before September 1, 2006 are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006 Ferrari 599 passenger cars manufactured before September 1, 2006 that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2006 Ferrari 599 passenger cars manufactured before September 1, 2006,) and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is June 25, 2009.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

**Instructions:** Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

**How to Read Comments Submitted to the Docket:** You may read the comments received by Docket Management at the address and times given above. You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- (1) Go to the Federal Docket Management System (FDMS) Web page <http://www.regulations.gov>.
- (2) On that page, click on "Advanced Docket Search."
- (3) On the next page select "NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION" from the drop-down menu in the Agency field and enter the Docket ID number shown at the heading of this document.

(4) After entering that information, click on "submit."

(5) The next page contains docket summary information for the docket you selected. Click on the comments you wish to see. You may download the comments. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### 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 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**.

Wallace Environmental Testing Laboratories, Inc. (WETL) of Houston, TX (Registered Importer 90-005) has petitioned NHTSA to decide whether nonconforming 2006 Ferrari 599 passenger cars manufactured before September 1, 2006 are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 2006 Ferrari 599 passenger cars manufactured before September 1, 2006 that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2006 Ferrari 599

passenger cars manufactured before September 1, 2006 to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 2006 Ferrari 599 passenger cars manufactured before September 1, 2006, as originally manufactured, conform to many FMVSS 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 2006 Ferrari 599 passenger cars manufactured before September 1, 2006 are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch System*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof Panel Systems*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 302 *Flammability of Interior Materials*, and 401 *Interior Trunk Release*.

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: Inspection of all vehicles and installation of a U.S.-model instrument cluster with associated hardware and software, or modification of the existing instrument cluster to meet the requirements of this standard on vehicles not already so equipped.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model components to meet the requirements of this standard.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information

placard on all vehicles not already so equipped.

Standard No. 111 *Rearview Mirrors*: Inspection of all vehicles and installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror on all vehicles not already so equipped.

Standard No. 114 *Theft Protection*: Inspection of all vehicles and installation of a supplemental key warning buzzer, or installation of U.S.-version software on all vehicles not already so equipped.

Standard No. 208 *Occupant Crash Protection*: Inspection of all vehicles and replacement of any non U.S.-model seat belts, air bag control units, air bags, and sensors with U.S.-model components on vehicles that are not already so equipped; and (b) installation of U.S.-version software to ensure that the seat belt warning system meets the requirements of this standard.

The petitioner states that the crash protection system used in these vehicles consists of dual front airbags, knee bolsters, and combination lap and shoulder belts at the front outboard seating positions. The seat belt systems are described as being self-tensioning, and capable of being released by means of a single red push-button.

Standard No. 209 *Seat Belt Assemblies*: Inspection of all vehicles and replacement of any non U.S.-model seat belts with U.S.-certified model seat belts.

Standard No. 210 *Seat Belt Assembly Anchorages*: Inspection of all vehicles and replacement of any non U.S.-model seat belts anchorage components with U.S.-model components.

Standard No. 225 *Child Restraint Anchorage Systems*: Installation of U.S.-model child restraint systems.

Standard No. 301 *Fuel System Integrity*: Inspection of all vehicles and replacement of any non U.S.-model fuel system components with U.S.-model components.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR Part 565.

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 addresses 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: May 19, 2009.

**Harry Thompson,**

*Acting Director, Office of Vehicle Safety Compliance.*

[FR Doc. E9-12154 Filed 5-22-09; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 35164; STB Docket No. AB-6 (Sub-No. 430X)]

### BNSF Railway Company—Petition for Declaratory Order; BNSF Railway Company—Abandonment Exemption—in Oklahoma County, OK

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of board action.

**SUMMARY:** The Surface Transportation Board (Board) hereby gives notice that, on its own motion, it granted BNSF Railway Company (BNSF) exemptions under 49 U.S.C. 10502 from the provisions of 49 U.S.C. 10903 (filing and procedure for application to abandon or discontinue service), 49 U.S.C. 10904 (offers of financial assistance to avoid abandonment and discontinuance), and 49 U.S.C. 10905 (offering abandoned rail properties for sale for public purposes) for a segment of track on the Chickasha Line in Oklahoma City, OK, between milepost 541.69 and milepost 540.15 (the middle segment). The Board took this action in a decision served earlier in which it also found that a BNSF eastern segment project was a relocation that did not require prior agency authorization.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Dettmar, (202) 245-0395.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877-8339.]

**SUPPLEMENTARY INFORMATION:** By petition filed on July 15, 2008, BNSF asked the Board to issue a declaratory order finding that what it characterized as two track relocation projects in Oklahoma City, OK did not require Board approval.

The Board granted the requested declaratory relief as to the eastern segment. On the middle segment, Board concluded that the evidence before it in the two related dockets had provided ample support for authorizing abandonment of that segment. The evidence indicates that: the three