

substantially similar are 1997 Jeep Grand Cherokee MPVs that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified LHD Japanese Market 1997 Jeep Grand Cherokee MPVs 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.

Auto Enterprises submitted information with its petition intended to demonstrate that non-U.S. certified LHD Japanese Market 1997 Jeep Grand Cherokee MPVs, 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 LHD Japanese Market 1997 Jeep Grand Cherokee MPVs are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 101 *Controls and Displays*, 102 *Transmission Shift Lever Sequence \* \* \**, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic and Electric Brake Systems*, 106 *Brake Hoses*, 111 *Rearview Mirrors* (noting that the required warning statement is inscribed on the passenger-side rearview mirror), 113 *Hood Latch Systems*, 114 *Theft Protection* (noting that an audible alarm is activated when the ignition key is left in the ignition lock and the driver's door is open), 116 *Motor Vehicle Brake Fluids*, 118 *Power Window Systems* (noting that the power window transport is not activated when the ignition is switched off) 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 120 *Tire Selection and Rims for Vehicles other than Passenger Cars* (noting the presence of an OEM Export label in the door jamb that contains the required tire and rim information), 124 *Accelerator Control 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*, 208 *Occupant Crash Protection* (noting that the vehicle is equipped with a safety belt warning buzzer and dash panel light, with U.S.-model driver's and passenger's side air bags, and with Type 2 seat belts in all front and rear outboard seating positions), 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 LHD Japanese Market 1997 Jeep Grand Cherokee MPVs comply with the Bumper Standard found in 49 CFR part 581, and with the Vehicle Identification Number (VIN) plate requirement of 49 CFR part 565.

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

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: replacement of the left and right headlamps, front markers, and front park lamps with U.S.-model components.

The petitioner states that all vehicles must be inspected prior to importation for compliance with the Theft Prevention Standard found in 49 CFR part 541, and that U.S.-model anti-theft devices must be installed on all vehicles lacking that equipment.

The petitioner also states that a certification label must be affixed to the left front door jamb to meet 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: July 18, 2002.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 02-18757 Filed 7-24-02; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA-2002-11270, Notice No. 02-07]

#### Modification to Safety Advisory Concerning the Retesting of Cylinders Without Calibration of Test Equipment

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

**ACTION:** Modification of a safety advisory notice.

**SUMMARY:** On July 9, 2002, Research and Special Programs Administration (RSPA; we) published a safety advisory notice in the **Federal Register** (67 FR 45582) advising the public that we are investigating the alleged improper marking of DOT-specification cylinders and/or tube trailers by BKC Industries, Inc. 2117 Will Suitt Road, Creedmore, NC 27522. This safety advisory notice modifies the July 9, 2002 safety advisory notice.

**FOR FURTHER INFORMATION CONTACT:** Raymond LaMagdelaine, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-4700, Fax: (202) 366-2784; or Mark Toughiry, Office of Hazardous Materials Technology, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366-4545, Fax: (202) 366-3650.

**SUPPLEMENTARY INFORMATION:** The cylinders and tube trailers at issue in the July 9, 2002 safety advisory and in this safety advisory notice were marked by BKC Industries, Inc. with the retester identification number (RIN) D236 and stamped with a retest date between August 1998 and October 2001. In the previous safety advisory notice, RSPA recommended that filled cylinders and tube trailers should be vented or otherwise safely discharged and then taken to a DOT-authorized cylinder retest facility for retesting. In addition, we recommended that the cylinders and tube trailers not be filled, refilled, or used for their intended purpose until they had been reinspected, retested and recertified by a DOT-authorized facility.

Upon further review of this matter, we believe that the cylinders and tube trailers subject to the safety advisory notice may continue in service provided each cylinder and tube trailer is thoroughly inspected by external visual

examination at the time the cylinder or tube trailer is to be refilled. The visual examination should be conducted to the extent practicable without removing the cylinders or tubes from the trailer assembly. Records of the first visual examination conducted after the date of this safety advisory notice should be retained until the cylinder or tube is requalified. RSPA expects that BKC Industries will work with cylinder and tube trailer owners to arrange for requalification of the cylinders and tube trailers at issue.

Issued in Washington, DC on July 18, 2002.

**Frits Wybenga,**

*Deputy Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 02-18771 Filed 7-24-02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 34209]

**Norfolk Southern Railway Company—Trackage Rights Exemption-Delaware and Hudson Railway Company, Inc.**

Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway (CPR), pursuant to a written trackage rights agreement entered into between CPR and Norfolk Southern Railway Company (NSR),<sup>1</sup> has agreed to grant overhead trackage rights to NSR over approximately 284.6 miles of CPR's freight main line, between NSR's connection with CPR at milepost 752.0 near Sunbury, PA, and CPR's connection with Guilford Rail System (GTI) at milepost 467.40 at Mechanicville, NY.

The transaction is expected to be consummated no sooner than the latter of (1) July 12, 2002 (7 days after the exemption was filed), or (2) the expiration of any labor notice period to which NSR may be subject.

Under the proposed transaction, NSR will obtain trackage rights for certain restricted types and volumes of traffic, including traffic for interchange with GTI and Canadian National Railway Company. The trackage rights will enable NSR to more efficiently access and serve customers in New York State, the New England States, and the eastern Canadian rail market, in conjunction with trackage rights concurrently being obtained in STB Finance Docket No. 34225, *Norfolk Southern Railway Company—Trackage Rights*

<sup>1</sup> NSR is a wholly owned subsidiary of Norfolk Southern Corporation, a holding company.

**Exemption—Reading Blue Mountain and Northern Railroad Company.<sup>2</sup>**

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).

The notice is filed under 49 CFR 1180.2(d)(7). If the notice 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. 34209, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John V. Edwards, Norfolk Southern Corp., Three Commercial Place, Norfolk, VA 23510-2191.

Board decisions and notices are available on our Web site at "[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV)."

Decided: July 18, 2002.

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

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02-18847 Filed 7-24-02; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

[STB Finance Docket No. 34225]

**Norfolk Southern Railway Company—Trackage Rights Exemption—Reading Blue Mountain and Northern Railroad Company**

Reading Blue Mountain and Northern Railroad Company (RBMN), pursuant to a written trackage rights agreement entered into between RBMN and Norfolk Southern Railway Company (NSR),<sup>1</sup> has agreed to grant overhead trackage rights to NSR over approximately 56.7 miles of RBMN's Lehigh Line between milepost 119.3 in Lehighon Yard and milepost 175.5 in Dupont, PA.

<sup>2</sup> Reading Blue Mountain and Northern Railroad Company (RBMN) has agreed to grant NSR overhead trackage rights over approximately 56.7 miles of RBMN's Lehigh Line between milepost 119.3 in Lehighon Yard and milepost 175.5 in Dupont, PA.

<sup>1</sup> NSR is a wholly owned subsidiary of Norfolk Southern Corporation, a holding company.

Lehighon Yard and milepost 175.5 in Dupont, PA.<sup>2</sup>

The transaction is expected to be consummated no sooner than the latter of (1) July 12, 2002 (7 days after the exemption was filed), or (2) the expiration of any labor notice period to which NSR may be subject.

Under the proposed transaction, the trackage rights will enable NSR to efficiently route traffic between Allentown, PA, and points in New York State in conjunction with trackage rights concurrently being obtained in STB Finance Docket No. 34209, *Norfolk Southern Railway Company—Trackage Rights Exemption—Delaware and Hudson Railway Company, Inc.*<sup>3</sup>

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).

The notice is filed under 49 CFR 1180.2(d)(7). If the notice 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. 34225, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John V. Edwards, Norfolk Southern Corp., Three Commercial Place, Norfolk, VA 23510-2191.

**STB Finance Docket No. 34225**

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Decided: July 18, 2002.

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

**Vernon A. Williams,**

*Secretary.*

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<sup>2</sup> According to NSR's representative, due to historic reasons concerning the varied ownership of the line, there is a discrepancy of approximately one-half mile between the apparent and actual mileage between the milepost locations.

<sup>3</sup> Delaware and Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway (CPR) has agreed to grant NSR overhead trackage rights over approximately 284.6 miles of CPR's freight main line, between NSR's connection with CPR at milepost 752.0 near Sunbury, PA, and CPR's connection with Guilford Rail System at milepost 467.40 at Mechanicville, NY.