

has denied the petition. The petition is hereinafter identified as DP03-001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher J. Wiacek, Defects Assessment Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-7042.

SUPPLEMENTARY INFORMATION: By letter dated February 15, 2003, Mr. Jon Welch submitted a petition requesting that the agency investigate the performance of the frontal air bag system of MY 1999 Hyundai Sonata vehicles (subject vehicles). The petitioner alleges that the front air bags do not deploy when a vehicle is subjected to certain frontal crashes. Mr. Welch petitioned the agency after his vehicle was involved in a frontal crash in which the air bags did not deploy and the driver sustained injuries.

ODI requested information from Hyundai America Technical Center, Inc. (Hyundai), pertaining to the air bag system in MY 1999 through 2001 Sonata vehicles. The subject vehicle was a new design for MY 1999. According to Hyundai, MY 2000 and 2001 Sonatas employ the same frontal air bag system. Hyundai has produced for sale in the United States 119,469 MY 1999 through 2001 Sonata vehicles, including 23,988 MY 1999, 49,397 MY 2000, and 46,084 MY 2001 vehicles. Hyundai stated in its response that it has received 49 reports of the frontal air bags in MY 1999 Sonata vehicles not deploying in a crash. These reports include two of the four reports that ODI has received directly from consumers. Hyundai received 84 allegations of the air bags not deploying in the MY 2000 vehicles and 63 such allegations with respect to the MY 2001 vehicles.

Hyundai stated in its response, "Many owners do not realize that air bag deployment is not required or beneficial in any and all collisions. Many of these owners believe that an air bag should deploy in any collision event, regardless of collision speed, angles or the type of object that was struck. These owners believe that the existence of any collision-induced damage is proof that air bags should have deployed in a collision."

Each manufacturer designs its vehicles so the air bags will deploy if the severity of a crash exceeds a certain threshold. However, there is no Federal requirement establishing a particular threshold. Most manufacturers design their frontal air bags to deploy when the crash severity is in the range of an 8 to 14 mph crash into a fixed solid barrier. This severity is about the same as a crash into another vehicle of equivalent

weight at 16 to 28 mph. In lower speed crashes, where the air bag does not deploy, occupant protection is provided by the design of the interior surfaces in the vehicle, as well as by the safety belts provided at each seating position.

In a crash, a number of factors, other than crash severity, can affect whether an air bag will deploy; e.g., the angle of impact, the speed of the other vehicle, and the amount of force absorbed by the other vehicle or object that is impacted. Only an expert in crash reconstruction can provide an educated opinion as to whether the air bag in a vehicle should have deployed in a specific crash.

Hyundai included in its response police accident reports, crash analyses, photographs, and other information with respect to many of the consumer complaints. This information indicates that there have not been any reports of front seat occupants sustaining fatal or incapacitating injuries as a result of any of these incidents. The injuries were relatively minor, such as bruising, lacerations, and whiplash.

From the narrative complaint data, police accident reports, and photographs of the crashed vehicles, it appears that most of the incidents involved minor bumper or under-ride damage where the vehicle's front structure was not impacted. In those cases where Hyundai inspected the air bag electronic control module for a possible system failure, there were no diagnostic fault codes found. According to Hyundai, the modules appeared to have been operating properly in those vehicles.

Some of the vehicle owners stated that the driver's frontal air bag deployed, but the passenger's frontal air bag did not. In those instances in which the front passenger seat was unoccupied, the vehicle performed as designed. The subject vehicles are equipped with a front passenger occupant detection system and will only deploy the passenger air bag when the passenger seat is occupied.

Hyundai has recalled the subject vehicles (Recall numbers 01V347000, 02V105000 and 01V15002) to address safety defects related to the side impact air bag system. Recall 01V347000 pertained to the air bag warning light illuminating due to motion of the side impact air bag wiring harness and the side impact air bag wiring harness connector. According to Hyundai, if the air bag light is illuminated as a result of this issue or the recall remedy was not performed, it would not affect the performance of the frontal air bag system. Recalls 02V105000 and 01V15002 also concern the side impact air bag wiring harness connector not

being securely fastened to the side impact air bag wiring harness. If the connection is not secure, the air bag warning light could illuminate, and the side impact air bags may not deploy in an appropriate crash. Again, these recalls are unrelated to the performance of the frontal air bags in these vehicles.

In view of the foregoing, it is unlikely that the NHTSA would issue an order for the notification and remedy of the alleged defect as defined by the petitioner at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize the NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued: July 28, 2003.

Kenneth N. Weinstein,
Associate Administrator for Enforcement.
[FR Doc. 03-19546 Filed 7-31-03; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-15681]

Notice of Receipt of Petition for Decision That Nonconforming 2003 Ferrari 360 Spider and Coupe Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2003 Ferrari 360 Spider and Coupe passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2003 Ferrari 360 Spider and Coupe 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 (1) They are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is September 2, 2003.

ADDRESSES: Comments should refer to the docket number and notice 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). 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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

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 Federal motor vehicle safety standards 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 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**.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 90-007) has petitioned NHTSA to decide whether 2003 Ferrari 360 Spider and Coupe passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 2003 Ferrari 360 Spider and Coupe passenger cars that were manufactured for importation into, and 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 2003 Ferrari 360 Spider and Coupe 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.

G&K submitted information with its petition intended to demonstrate that non-U.S. certified 2003 Ferrari 360 Spider and Coupe 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 2003 Ferrari 360 Spider and Coupe 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*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 135 *Passenger Car Brake Systems*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

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*: (a) Substitution of the word "Brake" for the ECE warning symbol as markings for the brake failure indicator lamp; (b) modification of the speedometer to read in miles per hour. The petitioner states that the instrument cluster will be modified by installing U.S.-version software information which will result in the seat belt warning symbol and other warning emblems reading appropriately in English.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model front and rear sidemarker assemblies; (b) modification of the tail lamp assembly wiring (by welding the circuit in the tail lamp assembly) so that the tail lamps will operate in the same manner as those on the vehicle's U.S.-certified counterpart.

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

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Downloading of U.S.-version software information so that the vehicle complies with the standard.

Standard No. 118 *Power Window Systems*: Inspection of all vehicles and installation, on vehicles that are not already so equipped, of a relay in the power window control circuit so that the window transport mechanism is inoperative when the ignition switch is in the "off" position.

Standard No. 201 *Occupant Protection in Interior Impact*: Inspection of all vehicles and installation, on vehicles that are not already so equipped, of trim components that are necessary to comply with the upper interior impact requirements of the standard.

Standard No. 208 *Occupant Crash Protection*: Inspection of all vehicles and replacement of the driver's and passenger's air bags, knee bolsters, air bag control units, and seat belts if they are not identical to the U.S.-model components. The petitioner states that the vehicles are equipped with Type 2 combination lap and shoulder belts which are identical to those installed on the U.S. certified counterpart vehicle. According to the petitioner, these seat belts are automatic, 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 the seat belt assemblies with U.S.-model components on vehicles that are not already so equipped.

Standard No. 210 *Seat Belt Assembly Anchorages*: Inspection of all vehicles and replacement of the seat belt assembly anchorages and components with U.S.-model tether anchorage components on vehicles that are not already so equipped.

Standard No. 214 *Side Impact Protection*: Inspection of all vehicles and installation of U.S.-model doors on vehicles that are not equipped with factory installed door beams.

Standard No. 225 *Child Restraint Anchorage Systems*: Installation of U.S.-model tether anchorages in Coupe.

Standard No. 301 *Fuel System Integrity*: Replacement of the charcoal canister, air pump, fuel filler neck, and rollover valve with U.S.-model components, providing a sufficient

connection between the fuel tank and the U.S.-model fuel filler neck.

Standard No. 401 *Interior Trunk Release*: Modification of the hood latch by installing an extra cable so that the trunk can be released from the inside. The petition states that in order to meet the requirement of the standard that became effective on September 2002, an actuator will be installed.

Petitioner states that the front and rear bumper on the non-U.S.-certified 2003 Ferrari 360 Spider and Coupe must be reinforced to meet the requirements of the Bumper Standard found in 49 CFR part 581. Petitioner claims that these reinforcements will achieve compliance with the standard based on testing submitted to the agency in conjunction with a previous petition.

The petitioner also states that all vehicles will be inspected prior to importation to ensure that all required anti-theft devices identical to those found on the U.S. certified counterpart vehicles are installed. Any modifications necessary to achieve compliance with the Theft Prevention Standard in 49 CFR part 541 will be made at that time.

In addition, the petitioner states that a vehicle identification number (VIN) plate must be affixed to the vehicles so that it is readable from outside the driver's windshield pillar, and a reference and certification label must be affixed to the edge of the driver's side door or to the latch post nearest the driver to meet the requirements of 49 CFR part 565.

Lastly, the petitioner states that a certification label will be affixed to the driver's side doorjamb to meet the requirements of the vehicle certification regulations in 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 14, 2003.

Kenneth N. Weinstein,
Associate Administrator for Enforcement.
[FR Doc. 03-18606 Filed 7-31-03; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 638X)]

CSX Transportation, Inc.— Abandonment Exemption—in Knox County, OH

On July 14, 2003, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon an approximately 6.37-mile line of railroad, in CSXT's Midwest Region, Louisville Division, Lake Erie Subdivision, extending from milepost BQ-25.90, at Mt. Vernon, to milepost BQ-32.27, at Fredericktown, in Knox County, OH. The line traverses United States Postal Service Zip Codes 43019 and 43050, and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by October 31, 2003.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than August 21, 2003. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-55 (Sub-No. 638X) and must be sent to: (1) Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423—

0001; and (2) Natalie S. Rosenberg, Counsel, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before August 21, 2003.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA, will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days after the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 24, 2003.

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

Vernon A. Williams,
Secretary.

[FR Doc. 03-19334 Filed 7-31-03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-295 (Sub-No. 5X)]

The Indiana Rail Road Company— Abandonment and Discontinuance of Trackage Rights Exemption—in Monroe County, IN

The Indiana Rail Road Company (INRD) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 0.97-mile line of railroad, known as the Bloomington Southern, extending from milepost B 1.71 south to milepost B 2.68 in Bloomington, IN, and to discontinue trackage rights over approximately 2.87 miles of a CSX Transportation, Inc. (CSXT) line in Bloomington, extending from CSXT milepost 219.0 to CSXT milepost