

improvements along the existing TH 8 alignment. Therefore, the FHWA, in cooperation with Mn/DOT, will prepare subsequent environmental documents, either at the Environmental Assessment of Categorical Exclusion level for projects that will provide safety, operational and capacity improvements to the TH 8 Corridor from I-35 to Taylors Falls, Chisago County, Minnesota. The proposed improvements could include capacity expansion on sections of TH 8, and providing geometric/traffic control and access improvements along TH 8. Based on funding availability, the proposed improvements along the TH 8 Corridor could occur in phases. The environmental documents will define and evaluate projects with independent utility.

Coordination has been initiated and will continue with appropriate Federal, State and local agencies and private organizations and citizens who have previously expressed or are known to have an interest in the proposed action. Public meetings have been held in the past and will continue to be held, with public notice given for the time and place of the meetings. To ensure that the full range of issues related to this proposed action are addressed and all issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the need for an EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 21, 2003.

Stanley M. Graczyk,
Project Development Engineer, Federal Highway Administration, St. Paul, Minnesota.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2003-16401]

Notice of Receipt of Petition for Decision That Nonconforming 2002-2004 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2002-2004 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) 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 2002-2004 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) 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 have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATE: The closing date for comments on the petition is December 3, 2003.

ADDRESS: 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. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle

safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

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 nonconforming 2002-2004 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars are eligible for importation into the United States. Another registered importer, J.K. Technologies, LLC of Baltimore, Maryland ("J.K.") (Registered Importer 90-006), previously petitioned NHTSA to decide whether 2003-2004 Micro Car Company Smart Passion (glass top and convertible) passenger cars are eligible for importation. NHTSA published notice of J.K.'s petition on June 20, 2003 at 68 FR 37040. The comment period on that petition has closed and the agency is in the process of deciding whether to grant the petition. If the agency grants J.K.'s petition, there will be no need for it to take action on G&K's petition insofar as it seeks import eligibility for 2003-2004 Smart Car Passion (coupe and cabriolet) passenger cars, as those are the same vehicles as the ones covered by J.K.'s petition. If the agency decides to deny J.K.'s petition, it will again determine whether those vehicles are eligible for importation in its consideration of G&K's petition. As part of that consideration, the agency will also address, for the first time, the import eligibility of 2002 Passion, Pulse, and Pure model Smart Cars, and 2003-2004 Pulse and Pure model Smart Cars, since those vehicles were not included in J.K.'s petition.

G&K contends that nonconforming 2002-2004 Smart Car Passion, Pulse, and Pure (coupe and cabriolet) passenger cars are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.