

Elizabeth Webbing Mills discovered an error in the manufacture of its test equipment. An angle specified for 85 degrees on the equipment was actually built to 90 degrees. Testing with the correct angle revealed a significant effect on the webbing Evenflo used but not on the webbing used by Evenflo's competitors.

To verify and understand this effect, Evenflo performed a multi-factor factorial design of experiment. The design of experiment confirmed the effect of Evenflo's webbing material relative to other tether material and the percent unabraded test, but also identified a test set-up within FMVSS No. 213 and FMVSS No. 209 that would yield potentially passing results. A question of what was the proper test weight, 1.5 or 2.33 Kg. to use in the testing process was identified.

Evenflo then requested an official interpretation from NHTSA as to the correct test weight to be used. A verification test was conducted to confirm the test set-up identified by the multi-factor factorial design of experiment. On June 19, 2000, the testing did not reveal an acceptable pass rate and as a result Evenflo has stopped manufacture and shipment of child restraint systems using this Elizabeth Webbing Mills style of webbing and is filing this section 573, non-compliance information report."

Under 49 U.S.C. 30118(d) and 30120(h), NHTSA may exempt manufacturers from the Act's notification and remedy requirements when it determines that a noncompliance is inconsequential to motor vehicle safety. Evenflo states that it believes that the noncompliance here should be found to be inconsequential because the products meet the intent of the FMVSS No. 209 and FMVSS No. 213 performance requirements. Evenflo also stated that its testing has established that even in the severely abraded condition, child restraints with this tether webbing, which was manufactured by Elizabeth Webbing Mills (EWM), pass dynamic sled testing with over a 90 percent strength safety margin. Finally, Evenflo asserts that the EWM webbing tethers are stronger before abrasion than the tethers of other major U.S. child restraint manufacturers. Only when the EWM webbing tethers are severely abraded is their strength reduced to that of the competitors' tethers. This accounts for the EWM webbing tethers' noncompliance with the 75 percent strength retention requirement, but, according to Evenflo, it has no effect on the safety of the EWM webbing tethers in real world use.

The agency has reviewed Evenflo's application, analyzed Office of Vehicle Safety Compliance's (OVSC) data, and other data pertaining to breaking strength and abrasion of webbing used in child restraint systems and adult seat

belt assemblies. The agency also evaluated child restraint data obtained in the 2001 New Car Assessment Program (NCAP), and Transport Canada's dynamic and static load distributions data on tether anchorages and hooks.¹ Results of this analysis show that the Evenflo dynamic tests at Veridian produced tether loading consistent with measured tether loads in agency testing. Based on its analysis, the agency has determined that the webbing used in Evenflo's child restraints achieved the performance previously specified in FMVSS No. 209 and FMVSS No. 213 during 1971–1979 for webbing in the unabraded condition and after abrasion conditioning.

Furthermore, the agency notes that from 1971 to 1979, FMVSS No. 213 was "Child Seating Systems," and Type 3 seat belt assembly minimum breaking strength requirements were used to determine compliance for resistance to abrasion. During that period, the minimum breaking strength for a Type 3 belt for webbing connecting pelvic and upper torso restraints to attachment hardware when the assembly had a single webbing connection was 17,793 N. The minimum value after abrasion was 75% of this value, or 13,345 N. Evenflo's EWM unabraded tether webbing strength of 20,426 N, and the EWM abraded strength of 13,706 N, both surpass the previous requirements for Type 3 webbing.

For these reasons, the agency has decided that Evenflo has met its burden of persuasion that the noncompliance at issue is inconsequential to safety and its application is granted. Accordingly, Evenflo is hereby exempted from the notification and remedy provisions of 49 U.S.C. sections 30118 and 30120.

NHTSA believes that the absence of minimum breaking strength requirements for unabraded webbing in child restraint systems in the current version of FMVSS No. 213 is inappropriate. We plan to initiate rulemaking to amend FMVSS No. 213 to require a minimum breaking strength for webbing used in child restraint systems. The breaking strength requirements are needed to ensure that all child restraints being introduced into the market have adequate webbing strength to provide child safety protection over their lifetime.

Authority: 49 U.S.C. 30118(d) and 30120(h); delegations of authority at 49 CFR 1.50 and 501.8.

¹ Docket No. NHTSA–1999–6160–19.

Issued on April 25, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–10647 Filed 4–30–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34194]

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

Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) from UP's milepost 2.3 in Omaha, NE, to milepost 76.0 in Sioux City, IA, for a distance of 73.7 miles.¹

The transaction was scheduled to be consummated on April 15, 2002. The temporary trackage rights will allow BNSF to bridge its train service over the UP line while BNSF's main line is out of service due to maintenance.

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).

This notice is filed under 49 CFR 1180.2(d)(7). If it 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. 34194, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Michael E. Roper, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, P.O. Box 961039, Fort Worth, TX 76161–0039.

¹ On April 10, 2002, BNSF filed a petition for exemption in STB Finance Docket No. 34194 (Sub-No. 1), *The Burlington Northern and Santa Fe Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company*, wherein BNSF requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on April 30, 2002. That petition will be addressed by the Board in a separate decision.

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

Decided: April 25, 2002.

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

Vernon A. Williams,
Secretary.

[FR Doc. 02-10753 Filed 4-30-02; 8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

First Phase of Automated Commercial Environment (ACE): Announcement of a National Customs Automation Program Test for the ACE Account Portal

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This document announces Customs plan to conduct a National Customs Automation Program test of the first phase of the Automated Commercial Environment. This test will allow importers and authorized parties to access their Customs data via a web-based Account Portal. This test is the first step toward the full electronic processing of commercial importations in the Automated Commercial Environment with a focus on defining and establishing the importer's account structure. Customs plans to initially accept approximately forty importer accounts for participation in this test, and may expand the universe of participants during the test. This notice provides a description of the test, outlines the development and evaluation methodology to be used, sets forth the eligibility requirements for participation, invites public comment on any aspect of the planned test, and opens the application period for participation.

EFFECTIVE DATES: The test will commence no earlier than October 28, 2002. The test will run for approximately two years and may be extended or modified. Comments concerning this notice and all aspects of the announced test may be submitted at any time. Applications may also be submitted at any time; however, in order to be eligible as one of the initial participants, applications must be received by June 1, 2002.

ADDRESSES: Written comments regarding this notice may be submitted to Ms. Hedwig Lock at U.S. Customs Service, 2850 Eisenhower Ave.—First Floor, Alexandria, Virginia 22314;

e:mail address:

eisenhower@customs.treas.gov; FAX number: (703) 329-5235. Applications to participate will only be accepted via e:mail sent to eisenhower@customs.treas.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Hedwig Lock, U.S. Customs Service, Office of Field Operations, Trade Programs, Commercial Compliance, Account Management; Tel. (703) 317-3657; e:mail address: eisenhower@customs.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

The Customs Modernization Program has been created to improve efficiency, increase effectiveness, and reduce costs for Customs and all of its communities of interest. The ability to meet these objectives depends heavily on successfully modernizing Customs business functions and the information technology that supports those functions.

The initial thrust of the Customs Modernization Program focuses on Trade Compliance and the development of the Automated Commercial Environment (ACE) through the National Customs Automation Program (NCAP). ACE is not only a replacement system for the Automated Commercial System (ACS); it is an effort to streamline business processes to facilitate the growth in trade and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations.

The ACE development strategy consists of partitioning ACE into four major increments. Each increment, while individually achieving critical business needs, also lays the foundation for subsequent increments. This test will be part of the first phase of ACE.

This test is the first step towards changing the way that the world interacts with U.S. Customs. This test will allow account holders to view integrated data for their account information from multiple system sources. It will enable Customs and account holders to interact via newly created account portals. This test accommodates both Customs and the trade. The Account Portal has the ability to access, manage and disseminate information in an efficient and secure manner. As an example, when a trade participant enters ACE, the Account Portal will present data specific to that participant's account transactions.

Participants in this test will eventually have the opportunity to use the account management functions such as account access to their profile and

transactional data via the web portal. Eventually the account owner will also have the option to delegate portal access. In the initial phase of the test program participants will only have access to static data and basic account profile information necessary to establish an account. In the later stages of the test participants will have access to more extensive operational transaction data through the web portal.

This test will be delivered in a phased approach, with primary deployment scheduled for no earlier than October 28, 2002. The timeline for ACE is subject to change based on funding and technical requirements. Future phases of the Automated Commercial Environment (ACE) will be developed and deployed throughout the ACE development period, for use by the trade and Customs personnel selected to test the Account Portal.

Customs plans to select approximately forty importer accounts from the list of qualified applicants for the initial deployment of this test. A primary benefit for the initial participants will be an early opportunity to provide direct input into the initial design of the Account Portal. Additional participants may be selected throughout the duration of this test.

Eligibility Criteria

To be eligible for participation in this test, an importer must:

1. Participate in the Customs Trade Partnership Against Terrorism (C-TPAT). C-TPAT is a joint government-business initiative to build cooperative relationships that strengthen overall supply chain and border security. For further information, please refer to the Customs website at <http://www.customs.gov/enforcem>; and

2. Have the ability to connect to the Internet.

Customs expects to select a broad range of importers representing various industries. Applications will be considered from all volunteers; however, priority consideration for selection of the initial participants will be given to:

1. Importers that use carriers that participate in the Customs Industry Partnership Programs (IPP). IPP consists of several partnership programs that aim to engage the trade community in a cooperative relationship with Customs in the war on drugs and terrorism, such as the Carrier Initiative Program and the Business Anti-Smuggling Coalition. For further information on Industry Partnership Programs, please refer to the Customs website at <http://www.customs.gov/enforcem>; and