

Issued on: April 18, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96-10061 Filed 4-23-96; 8:45 am]

BILLING CODE 4910-59-P

**[Docket No. 96-01; Notice 2]**

**Decision That Nonconforming 1991 Volkswagen GTI (Canadian) Passenger Cars Are Eligible for Importation**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of decision by NHTSA that nonconforming 1991 Volkswagen GTI (Canadian) passenger cars are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1991 Volkswagen GTI (Canadian) passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1991 Volkswagen Golf GTI), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective as of April 24, 1996.

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), 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 (formerly section 114 of the Act), 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.

Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer R-90-009) petitioned NHTSA to decide whether 1991 Volkswagen GTI (Canadian) passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on January 23, 1996 (61 FR 1816) to afford an opportunity for public comment. The notice identified the vehicle that is the subject of the petition as the "1991 Volkswagen Golf GT." In its comments responding to the notice, a representative of Volkswagen, the vehicle's manufacturer, stated that the vehicle identification number (VIN) assigned to the specific vehicle that the petitioner seeks to import identifies that vehicle as a 1991 Volkswagen GTI manufactured in Mexico for the Canadian market. After being apprised of this comment, the petitioner acknowledged that the petition was in error, and that the manufacturer's representative properly identified the vehicle. In view of this correction, this notice describes the petition as pertaining to a 1991 Volkswagen GTI (Canadian).

The notice of petition identified the vehicle that Champagne claims to be substantially similar to the subject vehicle as the version of the 1991 Volkswagen Golf GT that was manufactured for importation into and sale in the United States and certified by its manufacturer, Volkswagenwerke A.G., as conforming to all applicable Federal motor vehicle safety standards. After reviewing the manufacturer's comments, Champagne informed NHTSA that the comparison vehicle is properly identified as the "1991 Volkswagen Golf GTI." This notice will use that designation in referring to the comparison vehicle. As noted in the notice of petition, the petitioner claimed that it had carefully compared the two vehicles, and found them to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Specifically, the petitioner claimed that the Volkswagen GTI (Canadian) is identical to the 1991 Volkswagen Golf GTI with respect to compliance with

Standard Nos. 102 *Transmission Shift Lever Sequence* . . . , 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 108 *Lamps, Reflective Devices, and Associated Equipment*, 109 *New Pneumatic Tires*, 110 *Tire Selection and Rims*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 114 *Theft Protection*, 115 *Vehicle Identification Number*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts*, 212 *Windshield Retention*, 214 *Side Door Strength*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner stated that the 1991 Volkswagen GTI (Canadian) complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contended that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) replacement of the speedometer/odometer assembly with a U.S.-model component.

Standard No. 208 *Occupant Crash Protection*: (a) installation of U.S.-model lap belts in the driver's and front passenger's seating positions; (b) installation of U.S.-model automatic shoulder restraints in the driver's and front passenger's seating positions. The petitioner stated that the rear outboard designated seating positions are equipped with combination lap and shoulder restraints that release by means of a single push button.

One comment was received in response to the notice of petition, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of Volkswagen AG, the vehicle's manufacturer. In addition to these companies, the comment was submitted on behalf of Volkswagen de Mexico. In its comment, Volkswagen stated that in order to conform to the requirements of Standard No. 101, the instrument cluster would have to be

replaced to convert the speedometer and odometer assembly and the brake warning light lens would have to be corrected to show the word "BRAKE." Volkswagen also stated that the 1991 Volkswagen GTI (Canadian) is equipped with daytime running lights that Standard 108 only requires on vehicles manufactured after February 10, 1993.

Volkswagen further stated that the 1991 Volkswagen GTI (Canadian) would have to be equipped with a door-mounted automatic shoulder belt system to comply with Standard 208. Volkswagen additionally observed that manual lap belts would have to be installed in the 1991 Volkswagen GTI (Canadian) so that it is equivalent to its U.S. certified counterpart. Volkswagen contended that these modifications would require removal of the existing seats and their replacement with seats and lap belt assemblies used in U.S.-model vehicles. Volkswagen also stated that a knee bolster would have to be added to the 1991 Volkswagen GTI (Canadian) as part of the passive restraint system that would have to be installed, and that this modification would require removal and replacement of the console assembly.

Volkswagen concluded by emphasizing that its comments pertain only to the version of the 1991 Volkswagen GTI that was manufactured for the Canadian market, and that other versions of the vehicle manufactured for the European and other markets may have structural differences and different bumper systems that would require other modifications to comply with U.S. requirements. Consequently, Volkswagen stressed that if the petition is granted, that grant should be limited to vehicles manufactured for the Canadian market.

NHTSA accorded Champagne an opportunity to respond to Volkswagen's comments. In its response, Champagne stated that the petition addressed the Standard 101 compliance issues that were raised by Volkswagen. Champagne also observed that the presence of running lights on the 1991 Volkswagen GTI (Canadian) does not affect the vehicle's compliance with the requirements of Standard 108 that pertain to that model year. Champagne also noted that the petition addressed the need for an automatic restraint system and manual lap belts to be installed in the 1991 Volkswagen GTI (Canadian). Champagne stated that a knee bolster with a U.S.-model part number would be installed as part of the automatic restraint system. Champagne contended that the installation of manual lap belts does not require replacement of the entire seat, as the

belts will have attachment points to the seat rails in the same manner as U.S. certified models.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding Champagne's petition. NHTSA believes that Champagne's responses adequately address each of those issues. NHTSA further notes that the modifications described by Champagne have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1991 Volkswagen GTI (Canadian) from being found "capable of being readily modified to comply with all Federal motor vehicle safety standards."

NHTSA has accordingly decided to grant the petition.

#### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-149 is the vehicle eligibility number assigned to vehicles admissible under this decision.

#### Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1991 Volkswagen GTI (Canadian) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1991 Volkswagen Golf GTI originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

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: April 18, 1996.

Marilynne Jacobs,

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 96-10062 Filed 4-23-96; 8:45 am]

BILLING CODE 4910-59-P

#### Surface Transportation Board<sup>1</sup>

[Docket No. AB-455X]

#### Ashley, Drew & Northern Railway Company; Abandonment Exemption; in Ashley and Drew Counties, AR

AGENCY: Surface Transportation Board.

ACTION: Notice of Exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903-04 the abandonment by Ashley, Drew & Northern Railway Company of its entire line between milepost 0 at Crossett and milepost 40.5 at Monticello, in Ashley and Drew Counties, AR, subject to an environmental condition. The abandonment of a segment of the line is further conditioned upon the receipt of Board authority for the discontinuance of trackage rights over that segment.

**DATES:** Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on May 24, 1996. Formal expressions of intent to file an offer<sup>2</sup> of financial assistance under 49 CFR 1152.27(c)(2) must be filed by May 6, 1996; petitions to stay must be filed by May 9, 1996; requests for a public use condition must be filed by May 14, 1996; and petitions to reopen must be filed by May 20, 1996.

**ADDRESSES:** Send pleadings referring to Docket No. AB-455X to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423, and (2) Eugenia Langan, Shea & Gardner, 1800 Massachusetts Avenue, NW., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5271.]

Decided: April 9, 1996.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to section 10903. Therefore, this notice applies the law in effect prior to the Act, and citations are to the former sections of the statute, unless otherwise indicated.

<sup>2</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).