

version of the 1994 Alfa Romeo 164 is manufactured in accordance with all applicable Federal motor vehicle safety standards. Fiat contended that it is not practically feasible to change the body structure of this vehicle to comply with U.S. requirements for bumpers, side impact protection, fuel system integrity, and occupant crash protection. Fiat observed that these changes require a great deal of development and testing which are generally beyond the capability and expertise of registered importers.

Fiat additionally challenged the petitioner's claim that the non-U.S. certified 1994 Alfa Romeo 164 is identical to its U.S. certified counterpart with respect to compliance with certain standards. Contrary to the petitioner's claim, Fiat stated that the vehicle does not comply with Standard No. 105 because it lacks the required brake warning light. Fiat also stated that the vehicle does not comply with Standard No. 111 because the required warning statement is not etched into the passenger's side rearview mirror. Fiat further contended that automatic transmission equipped versions of the vehicle do not comply with the requirement in Standard No. 114 that removal of the ignition key be prevented when the shift lever is in any position other than "Park."

Fiat also claimed that the air bag systems installed in the vehicle have a different activation calibration and a different driver's side knee bolster than that of its U.S. certified counterpart, giving them different performance characteristics. Fiat stated that the air bag system has been tested under European rules that permit the use of a restrained dummy, but that its compliance with Standard No. 208 has not been determined. Additionally, Fiat claimed that the seat belt systems installed in the vehicle are of European design, and do not comply with Standard No. 209. Fiat also stated that child restraint features required by Standard No. 213 are missing from the vehicle's rear seats.

Fiat observed that the vehicle has different door reinforcements than that of its U.S. certified counterpart, and that its compliance with Standard No. 214 has never been tested. Fiat also stated that the vehicle has a different body structure and fuel tank from that of its U.S. certified counterpart, and that it therefore does not comply with the fuel system integrity requirements of Standard No. 301. Additionally, Fiat contended that the vehicle is not marked as required by the Theft Prevention Standard in 49 CFR Part 541. Fiat finally asserted that the vehicle has

not been tested for compliance with the Bumper Standard in 49 CFR Part 581. Fiat noted in this regard that the vehicle does not have cross members and shock absorbers that are found on its U.S. certified counterpart, nor does it have body structure reinforcement to support loading from a U.S. model bumper.

NHTSA accorded Liphardt an opportunity to respond to Fiat's comments. In its response, Liphardt stated that the petition addressed the need for a brake warning light as part of the modifications that would be made to conform the vehicle to Standard No. 101. With respect to the Standard 111 compliance issue raised by Fiat, Liphardt stated that the vehicle is equipped with a passenger side rearview mirror that has the same part number as the component found on the vehicle's U.S. certified counterpart. Liphardt also stated that the requirements in Standard No. 114 for automatic transmission equipped vehicles do not apply to the vehicle it seeks to import. Liphardt further stated that the vehicle is equipped with seat belts, and with an air bag, sensor, and knee bolster that have part numbers identical to those of the components found on the vehicle's U.S. certified counterpart. Liphardt stated that the Standard No. 213 compliance issue raised by Fiat involving the absence of child restraint features is satisfied by virtue of the fact that the vehicle is equipped with identical seat belts and seat belt anchorages as those found on its U.S. certified counterpart. Likewise, Liphardt asserted that because the vehicle has identical doors, fuel system, and bumpers to those found on its U.S. certified counterpart, the Standard No. 214, Standard No. 301, and Bumper Standard compliance issues raised by Fiat are not relevant. With respect to the Theft Prevention Standard issue raised by Fiat, Liphardt stated that the necessary markings will be placed on the vehicle prior to importation.

NHTSA has reviewed each of the issues that Fiat has raised regarding Liphardt's petition. NHTSA believes that Liphardt's responses adequately address each of those issues. NHTSA further notes that the modifications described by Liphardt have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1994 Alfa Romeo 164 from being found "capable of being readily altered to comply with applicable motor vehicle safety standards."

NHTSA has accordingly decided to grant the petition. However, in view of Liphardt's statement that the Standard

No. 114 compliance issue raised by Fiat is inapplicable to the vehicle that it seeks to import because that vehicle is not equipped with an automatic transmission, only vehicles without automatic transmissions will be eligible for importation under this decision. Moreover, because Fiat did not import any 1994 Alfa Romeo 164 passenger cars after September 1, 1993, the date on which automatic restraints became required for both front outboard seating positions, only vehicles manufactured before that date will be eligible for importation under this decision.

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-156 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1994 Alfa Romeo 164 manufactured before September 1, 1993, without an automatic transmission, that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a 1994 Alfa Romeo 164 originally manufactured before September 1, 1993, without an automatic transmission, 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: July 30, 1996.

Marilynne Jacobs,
Director, Office of Vehicle Safety Compliance.
[FR Doc. 96-19823 Filed 8-2-96; 8:45 am]

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Surface Transportation Board¹

[STB Finance Docket No. 32950]

R.J. Corman Railroad Company/ Western Ohio Line—Acquisition Exemption—Lines of Consolidated Rail Corporation

R.J. Corman Railroad Company/
Western Ohio Line (RJCW), a Class III

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce

rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire rail lines of Consolidated Rail Corporation in Darke County, OH, extending between: (1) Milepost 151.3, at Ansonia, and milepost 160.64, at Greenville; (2) milepost 95.00 and milepost 94.46, in Meekers; and (3) milepost 92.30 and milepost 96.45, in Greenville, a total distance of approximately 14.03. RJCW will operate the property.

The transaction is scheduled to be consummated on or after July 31, 1996.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32950, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on: Kevin M. Sheys, Oppenheimer Wolff & Donnelly, 1020 Nineteenth Street, NW., Suite 400, Washington, DC 20036. Telephone: (202) 293-6300.

Decided: July 30, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-19834 Filed 8-2-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-475X]

New Hampshire and Vermont Railroad Company—Abandonment Exemption—in Coos and Grafton Counties, NH

New Hampshire and Vermont Railroad Company (NHVT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances* to discontinue service over approximately 38.2 miles of railroad between milepost 149.4 (Station 1302+00 on Val. Sec. 24.2), in Gorham, and milepost 130.5 (Station 314+60 on Val. Sec. 24.2), in Waumbek Junction

Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

¹The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

(Jefferson), and between milepost 113.0 (Station 995+66 on Val. Sec. 22), in Littleton, and milepost 93.7 (Station 4944+35 on Val. Sec. 21), in Woodsville, in Coos and Grafton Counties, NH.

NHVT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 4, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by August 15, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 26, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's

²The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

representative: David H. Anderson, 288 Littleton Road, Suite 21, Westford, MA 01886.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NHVT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 9, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 29, 1996.

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

Vernon A. Williams,

Secretary.

[FR Doc. 96-19833 Filed 8-2-96; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-476 (Sub-No. 1X)]

PL&W, Inc.—Abandonment Exemption—in Columbiana County, OH and Beaver County, PA

PL&W, Inc. (PL&W) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its entire line of railroad between milepost 0.0 at Negley, in Columbiana County, OH, and the end of the Smith's Ferry Branch at Smith's Ferry, in Beaver County, PA, a distance of 9.0 miles.²

PL&W has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead

¹The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

²Under 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. PL&W's verified notice indicated a proposed consummation date of July 31, 1996. Because the verified notice was not filed until July 16, 1996, consummation should not have been proposed to take place prior to September 4, 1996. PL&W's representative has confirmed that the correct consummation date is on or after September 4, 1996.