

to enable them to engage in expanded cargo transfer activities at the Alaska International Airports.

*Docket Number:* OST-95-716

*Date filed:* July 24, 1996

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* August 21, 1996

*Description:* Amendment No. 1 to the Application of Alaska Airlines, Inc., hereby amends its pending certificate application to request: (1) certificate authority to serve Vancouver, British Columbia, Canada from Los Angeles rather than San Diego; and (2) the reallocation of Alaska's two daily non-stop frequencies to the Los Angeles-Vancouver market.

Paulette V. Twine,

*Chief, Documentary Services Division.*

[FR Doc. 96-19821 Filed 8-2-96; 8:45 am]

BILLING CODE 4910-62-P

## National Highway Traffic Safety Administration

[Docket No. 95-99; Notice 2]

### Decision That Certain Nonconforming 1994 Alfa Romeo 164 Passenger Cars Are Eligible for Importation

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

**ACTION:** Notice of decision by NHTSA that certain nonconforming 1994 Alfa Romeo 164 passenger cars are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1994 Alfa Romeo 164 passenger cars manufactured before September 1, 1993, without automatic transmissions, 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 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 U.S.-certified version of the 1994 Alfa Romeo 164), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective August 5, 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.

Liphardt & Associates of Ronkonkoma, New York ("Liphardt") (Registered Importer R-90-004) petitioned NHTSA to decide whether 1994 Alfa Romeo 164 passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on January 4, 1996, (61 FR 367) to afford an opportunity for public comment. As stated in the notice of petition, the vehicle which Liphardt believes is substantially similar is the 1994 Alfa Romeo 164 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claimed that it carefully compared the non-U.S. certified 1994 Alfa Romeo 164 to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Specifically, the petitioner claimed that the non-U.S. certified 1994 Alfa Romeo 164 is identical to its U.S. certified counterpart 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*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*; 113 *Hood Latch Systems*, 116 *Brake Fluid*, 118 *Power Window Systems*; 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, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner stated that the non-U.S. certified 1994 Alfa Romeo 164 complies with the Bumper Standard found in 49 CFR Part 581.

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

Standard No. 101 *Controls and Displays*: (a) substitution of appropriate symbols on the brake failure, parking brake, and seat belt warning lamps; (b) installation of a U.S.-model speedometer.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamps; (c) installation of a high mounted stop lamp.

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

Standard No. 114 *Theft Protection*: installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number*: installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection*: installation of a seat belt warning buzzer. The petitioner stated that the vehicle is equipped with an air bag and knee bolster that have identical part numbers to those found on its U.S.-certified counterpart.

One comment was received in response to the notice of the petition, from Fiat Auto U.S.A., Inc. (Fiat), the United States representative of Alfa Lancia Industriale, the vehicle's manufacturer. In its comment, Fiat stated that it has devoted a great deal of care in assuring that the U.S. certified

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 Board <sup>1</sup>

[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

<sup>1</sup> 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