

directed to the FHWA or TxDOT at the address provided above.

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

Issued on January 5, 1995.

G. E. Olvera,

District Engineer.

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National Highway Traffic Safety Administration

[Docket No. 94-55; Notice 2]

Decision That Nonconforming 1993 Volkswagen Golf III Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA) DOT.
ACTION: Notice of decision by NHTSA that nonconforming 1993 Volkswagen Golf III passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1993 Volkswagen Golf III 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 U.S.-certified version of the 1993 Volkswagen Golf III), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, 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**.

J.K. Motors, Inc. of Kingsville, Maryland ("J.K.") (Registered Importer R-90-006) petitioned NHTSA to decide whether 1993 Volkswagen Golf III passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on July 20, 1993 (59 FR 37124) to afford an opportunity for public comment. The notice identified the vehicle that is the subject of the petition as the "1994 Volkswagen Golf III." In its comments responding to the notice, 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 1993 model. After being apprised of this comment, the petitioner acknowledged that the petition was in error, and that the manufacturer properly identified the vehicle as a 1993 model. In view of this correction, this notice describes the petition as pertaining to a 1993 model vehicle.

As stated in the notice of the petition, the vehicle that J.K. claimed to be substantially similar is the version of the 1993 Volkswagen Golf III 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. 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 non-U.S. certified 1993 Volkswagen Golf III 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, 113 Hood Latch Systems, 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, Wheel Discs and Hubcaps, 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.

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) recalibration of the speedometer/odometer from kilometers to miles per hour.

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 taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp; (d) replacement of bulb failure modules with U.S.-model components.

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

Standard No. 111 Rearview Mirror: Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 Theft Protection: Installation of a key microswitch in the steering lock assembly, and a warning buzzer.

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: (a) Installation of a seat belt warning buzzer, wired to the seatbelt latch; (b) installation of a passive restraint system consisting of a door-anchored automatic belts and a knee

bolster. The petitioner noted that the non-U.S. certified 1993 Volkswagen Golf III is supplied with mounting points and bolt holes for the installation of this equipment and that no structural changes are necessary.

Additionally, the petitioner stated that bumper shocks must be installed on the non-U.S. certified 1993 Volkswagen Golf III to comply with the Bumper Standard found in 49 CFR Part 581. The petitioner further noted that it may be necessary to install a U.S.-model bumper cover on some vehicles to accommodate the market lights.

One comment was received in response to the notice of the petition, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of the vehicle's manufacturer. In its comment, Volkswagen stated that in order to conform the non-U.S. certified 1993 Volkswagen Golf III to the requirements of Standard No. 108, all of the vehicle's lamps would have to be changed because they all lack DOT certification markings. Additionally, Volkswagen noted that sidemarkers and a high mounted stop lamp would have to be added to the vehicle, requiring wiring harness connections, and that the headlamp bulb connector plug must be changed to accommodate a U.S.-model headlamp.

Volkswagen further claimed that there are major differences between the U.S. certified and non-U.S. certified versions of the 1993 Volkswagen Golf III that affect compliance with Standard Nos. 207, 209, and 210. Specifically, Volkswagen stated that the non-U.S. certified version of the vehicle is equipped with a smaller engine (1.8 vs. 2.0 liters) that has its intake manifold mounted closer to the firewall, and that this difference could affect the manner in which the engine contacts the vehicle structure during frontal crash tests. Volkswagen further noted that the grill and radiator support structure in the non-U.S. certified 1993 Volkswagen Golf III is made from plastic rather than metal, and that this difference could affect energy absorption characteristics that have a bearing on frontal crash test performance.

Volkswagen also stated that in order to comply with Standard Nos. 207, 108 and 210, seat tracks that are welded to the floor on the non-U.S. certified 1993 Volkswagen Golf III would have to be removed and replaced with U.S.-model equipment. Volkswagen noted that the seat adjustment positions are different on U.S.-certified vehicles in order to assure crash test compliance for this vehicle, which is equipped with automatic shoulder belts to meet the

passive restraint requirements of Standard No. 208. Volkswagen also noted that because the retractor for the automatic shoulder belt is anchored to the vehicle tunnel, an anchorage reinforcement structure must be welded in place on non-U.S. certified models to assure compliance with Standard No. 210. Additionally, Volkswagen asserted that a manual lap belt would have to be installed for the non-U.S. certified Volkswagen Golf III to be equivalent to its U.S. certified counterpart. Volkswagen further noted that even if the restraint system and seat components were to be modified on the non-U.S. certified 1993 Volkswagen Golf III, there is no assurance that the vehicle would comply with Standards 207, 208, and 210 unless the petitioner conducts a full scale crash test on a modified vehicle.

Volkswagen also stated that, in order to comply with the Bumper Standard found in 49 CFR Part 581, the front and rear bumpers on the non-U.S. certified 1993 Volkswagen Golf III must be replaced with U.S.-model components. Volkswagen claimed that this would require modifications to the frame attachment points for the front and rear bumper that could also affect Standard No. 208 crash test performance.

Volkswagen concluded its comments by asserting that "substantial similarities between the European and the United States certified versions of the Golf III vehicle are lacking and that the European version cannot readily be modified to conform to U.S. standards."

NHTSA accorded J.K. an opportunity to respond to Volkswagen's comments. In its response, J.K. stated that in order to install U.S.-model headlights and marker lights on a non-U.S. certified 1993 Volkswagen Golf III, it must change everything on the front end of the vehicle except for the front fenders. In the process, J.K. asserts that all of the plastic front end parts that Volkswagen referred to in its discussion of Standard No. 208 are eliminated and replaced with U.S.-model steel parts that are bolted to existing mounting points, eliminating the need for any cutting or welding.

With respect to the Standard No. 208 compliance issues raised by Volkswagen, J.K. stated that the intake manifold on the non-U.S. certified 1993 Volkswagen Golf III's 1.8 liter engine is only one quarter of an inch closer to the firewall than the intake manifold on the 2.0 liter engine of its U.S. certified counterpart. J.K. asserts that this difference will not affect the crashworthiness of the non-U.S. certified vehicle.

Addressing Volkswagen's comments on Standard No. 210, J.K. stated that it examined the seat tracks on the non-U.S. certified 1993 Volkswagen Golf III, and found them to bear U.S. part numbers. As a consequence, J.K. stated that it was able to bolt manual lap belts to the seats without the need for modifications. Additionally, J.K. asserted that it carefully compared the tack and seat angle of the non-U.S. certified 1993 Volkswagen Golf III to that of its U.S. certified counterpart, and found these characteristics to be identical. J.K. further asserted that in order to install center passive restraint belt retractors on the non-U.S. certified 1993 Volkswagen Golf III, it replaced the entire center console with a U.S. model component, which could be bolted into existing holes without the need for modifications.

With respect to the Bumper Standard issues raised by Volkswagen, J.K. stated that the front bumper bolts directly to the new steel front end that it installs on the non-U.S. certified 1993 Volkswagen Golf III to accommodate U.S.-model headlamps. J.K. further asserted that it adds a reinforcing beam to assure compliance with the Bumper Standard, and that with these modifications, the vehicle meets or exceeds that standard's requirements.

NHTSA accorded Volkswagen an opportunity to respond to J.K.'s comments. In its response, Volkswagen stated that the inboard front seat tracks are identical on the U.S. certified and non-U.S. certified versions of the 1993 Volkswagen Golf III, but that the outboard tracks differ so that U.S. certified models can meet Standard 208 passive restraint requirements. Volkswagen further contended that in order to assure compliance with Standard No. 210, reinforcement plates must be welded to the tunnel for mounting the passive restraint retractor assembly. Volkswagen finally asserted that without conducting crash tests, J.K. "relies on intuition to justify FMVSS 208 compliance."

NHTSA accorded J.K. an opportunity to respond to these comments. In its response, J.K. stated that European and U.S.-model seat tracks cannot be interchanged on the 1993 Volkswagen Golf III. J.K. further asserted that Volkswagen equipped U.S.-model seat tracks on both the U.S.- and the non-U.S. certified versions of the vehicle after the company completed U.S. crash tests on the vehicle. J.K. additionally stated that it added reinforcement plates to the tunnel between the seats, on which it bolted the new seat retractors. J.K. finally observed that even if Volkswagen has not crash tested a 1993

Volkswagen Golf III with a 1.8 liter engine, the company did conduct such tests on the same vehicles equipped with 2.0 liter and V6 engines. J.K. contended that because of its lower mass and reduced inertia impact testing, a vehicle equipped with a 1.8 liter engine would yield better results than vehicles equipped with larger engines.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding J.K.'s petition. NHTSA believes that J.K.'s responses adequately address each of those issues. NHTSA further notes that the modifications described by J.K. have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified Volkswagen Golf III 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 92 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 1993 Volkswagen Golf III not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1993 Volkswagen Golf III 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: January 6, 1995.

William A. Boehly,

Associate Administrator for Enforcement.
[FR Doc. 95-754 Filed 1-11-95; 8:45 am]

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[Docket No. 94-89; Notice 2]

Decision That Nonconforming 1990 Porsche 944 S2 Cabriolet Convertible Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1990 Porsche 944 S2 Cabriolet convertibles are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1990 Porsche 944 S2 Cabriolet convertibles 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 safety standards (the U.S.-certified version of the 1990 Porsche 944 S2 Cabriolet convertible), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective January 12, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Baylor, 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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (Registered Importer R-90-005) petitioned NHTSA to decide whether 1990 Porsche 944 S2 Cabriolet convertibles are eligible for importation into the United States. NHTSA published notice of the petition on November 8, 1994 (59 FR 55737) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has 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 97 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 1990 Porsche 944 S2 Cabriolet convertible not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1990 Porsche 944 S2 Cabriolet convertible 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: January 6, 1995.

William A. Boehly,

Associate Administrator for Enforcement.
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[Docket No. 94-88; Notice 2]

Decision That Nonconforming 1991 BMW 325i 4-Door Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1991 BMW 325i 4-