

it was to inform purchasers of used vehicles of the actual mileage of the vehicles they were purchasing to enable them to ascertain the probable condition of the vehicle. Second, it was to provide an owner with information so that he or she could maintain a periodic maintenance schedule. In rescinding Safety Standard No. 127, the agency acknowledged that its reliance on the Tri-Level Study of the Causes of Traffic Accidents by the Indiana University Institute for Research in Public Safety, which led to the odometer requirement, was misplaced. The agency concluded that although the study found that problems with vehicle systems were causal or contributing factors in up to 25 percent of the accidents studies—such as problems with the brake system, tires, lights and signals, for example—all of those causes involved components which must be periodically replaced or serviced regardless of mileage. The agency thereby concluded that deterioration in performance, such as brake pulling, or in appearance, such as tire wear, etc., are readily apparent to the driver and should do more to alert the driver to potential safety-related problems than the distance traveled indication on the odometer.

Ford agrees with the agency's conclusion that the odometer reading is not a crucial factor in alerting drivers to potential safety-related vehicle problems, and therefore, it submits that the absence of the "km" designation is not crucial in this regard. We believe the vehicles that are the subject of this petition present no direct or indirect risk to motor vehicle safety. Furthermore, in the case of the vehicles in question, even if the odometer indication were a crucial indicator or required periodic maintenance, the odometer reading, if relied on for this purpose, would cause a driver to seek maintenance sooner than required because the indicated mileage would be approximately 1.6 times greater than the distance actually traveled.

Therefore, while the absence of the "km" designation is technically a noncompliance, and the odometer of the affected vehicles registers distance traveled in kilometers while the speedometer registers in miles per hour, we believe, for the reasons cited above, the condition presents no risk to motor vehicle safety.

Interested persons are invited to submit written data, views, and arguments on the application of Ford, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in

the Federal Register pursuant to the authority indicated below.

Comment closing date: October 18, 1995. (15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 12, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-23054 Filed 9-15-95; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 95-39; Notice 2]

Volkswagen of America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Volkswagen of America, Inc. (VWoA) of Auburn Hills, Michigan, determined that some of its vehicles fail to comply with the power window requirements of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118, "Power-Operated Window, Partition, and Roof Panel Systems," and filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." VWoA has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on May 17, 1995, and an opportunity afforded for comment (60 FR 26475).

Paragraph S4(e) of FMVSS No. 118 states that power operated windows may be closed only "during the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of its front doors."

From September 1, 1992 through March 5, 1995, VWoA manufactured approximately 1,200 1995 GTI vehicles and 18,795 1993-1995 Jetta III vehicles that do not comply with the power window requirements of FMVSS No. 118. The power windows in these vehicles can be operated when the ignition key is in the "off" position and the passenger side front door has been opened. The windows should not be able to be operated in this scenario.

VWoA supported its application for inconsequential noncompliance with the following:

The purpose of the requirement in S4(e) of FMVSS 118 specifying that the power window system not be functional if the ignition key is in the "off" position and one of the front doors has

been opened, is to reduce the possibility of unsupervised children operating the power windows in the vehicle. S4(e) is based upon the assumption that before one of the front doors has been opened, an adult remains in the vehicle to supervise and protect children from the safety risks associated with the operation of the power window system. S4(e) further assumes that after one of the front vehicle doors has been opened, no adult remains in the vehicle and thereby creates a risk that children remaining in the vehicle may injure themselves by activating operational power windows without supervision. S4(e) seeks to eliminate that risk.

In the case of the affected vehicles, the power windows cease to be operable if the driver door is opened, but remain operational for a period of 10 minutes after the passenger side front door has been opened. The rationale supporting the 10 minute period is to allow the driver to close any open windows even though he may already have turned off the ignition and the passenger may have opened the door and exited the vehicle. It is a convenience feature permitted by law in Europe and offered by Volkswagen to the market in Europe as a convenience feature.

The power-operated roof panel systems cannot be operated after the ignition key has been turned off.

VWoA believes that its European configuration inadvertently built into certain vehicles delivered in the United States does not affect their safety in a discernible way. VWoA believes that as long as the driver door of the vehicle has not been opened, a person of driving age inevitably remains in the vehicle because the exiting of the driver on the passenger side front door is extremely difficult and therefore unlikely. The affected vehicles are equipped with bucket seats and a center transmission console which cause the movement of the driver to the passenger side of the vehicle without contortion to be difficult and virtually impossible. Also, it makes no sense to suggest that a driver would exit the vehicle on the passenger side of a vehicle with bucket seats and [a] floor mounted transmission lever when he can conveniently open the driver's door for exit.

VWoA has received no customer complaints or claims relating to the ability of the windows to operate after the passenger door has been opened.

It should also be noted that the Volkswagen Owner's Manual contains an express warning against leaving children unattended in a vehicle and against misuse of the ignition key. The warning reads as follows:

WARNING

Do not leave children unattended in the vehicle especially with access to vehicle keys. Unsupervised use of the keys can result in starting of the engine and use of vehicle systems such as the power windows and power sunroof, which could result in serious personal injury.

As explained, the probability of unsupervised children being exposed to injury from power-operated window systems during the 10 minute interval after the ignition key has been turned off and the passenger side front door is opened and before the driver side front door is opened, is non-existent and that therefore this noncompliance is inconsequential to motor vehicle safety.

VWoA requests that this [application] be granted so that an unnecessary and costly consumer recall action [can] be avoided. VWoA expects a particularly low owner response to such a recall, if it were undertaken, because the ability to operate the power windows after the front passenger side door has been opened would likely be viewed by the owner to offer a valuable convenience feature without any apparent safety disadvantage.

No comments were received on the application.

VWoA is correct that the purpose of requiring inoperative power windows is to reduce the possibility of unsupervised children operating them. In the noncompliant vehicles, the power window system remains operable only when the front passenger side door is opened, a time when the operator presumably remains behind the wheel. If the operator exits by the driver's door, the system is disabled; it is not likely that an operator would exit by means of the passenger door since that would entail passing over the cumbersome console between the two seats. Thus, the purpose of the requirement in this situation is still highly likely to be met.

In consideration of the foregoing, the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety. Accordingly, the applicant is hereby exempted from the requirements of 49 U.S.C. 30118 and 30120 to notify and remedy a noncompliance with a Federal motor vehicle safety standard.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 12, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-23053 Filed 9-15-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

[Treasury Directive Number 15-12]

Delegation of Authority to the Director, Bureau of Alcohol, Tobacco and Firearms, to Investigate Violations of 18 U.S.C. §§ 1956 and 1957

September 11, 1995.

1. *Purpose.* This Directive delegates to the Director, Bureau of Alcohol, Tobacco and Firearms (ATF), authority to investigate violations of 18 U.S.C. §§ 1956 and 1957.

2. *Delegation.* By virtue of the authority vested in the Secretary of the Treasury by 18 U.S.C. §§ 981, 1956(e) and 1957(e) and the authority delegated to the Under Secretary (Enforcement) by Treasury Order (TO) 101-05, there is hereby delegated to the Director, ATF:

a. investigatory authority over violations of 18 U.S.C. § 1956 or 1957 involving 18 U.S.C. §§ 2341-2346 (trafficking in contraband cigarettes); § 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (relating to the importation of items on the U.S. Munitions Import List, except violations relating to exportation, in transit, temporary import, or temporary export transactions); and 18 U.S.C. § 1952 (relating to travelling in interstate commerce, with respect to liquor on which Federal excise tax has not been paid); or any act or activity constituting an offense listed in 18 U.S.C. § 1961(1), with respect to any act or threat involving arson, which is chargeable under State law and punishable for more than one year imprisonment; and

b. seizure and forfeiture authority and related authority under 18 U.S.C. § 981 relating to violations of 18 U.S.C. § 1956 or 1957 within the investigatory jurisdiction of ATF under paragraph 2.a., and seizure authority under 18 U.S.C. § 981 relating to any other violation of 18 U.S.C. § 1956 or 1957 if the bureau with investigatory authority is not present to make the seizure. Property seized under 18 U.S.C. § 981 where investigatory jurisdiction is with another bureau not present at the time of the seizure shall be turned over to that bureau.

3. *Forfeiture Remission.* The Director, ATF, is authorized to remit or mitigate forfeitures of property valued at not more than \$500,000 seized pursuant to paragraph 2.b.

4. *Redelegation.* The authority delegated by this Directive may be redelegated.

5. *Coordination.*

a. If at any time during an investigation of a violation of 18 U.S.C. § 1956 or 1957, the Director, ATF,

discovers evidence of a matter within the jurisdiction of another Treasury bureau, the Director, ATF, shall immediately notify that bureau of the investigation and invite that bureau to participate in the investigation. The Director, ATF, shall attempt to resolve disputes over investigatory jurisdiction with other Treasury bureaus at the field level.

b. The Under Secretary (Enforcement) shall settle disputes that cannot be resolved by the bureaus. The Under Secretary (Enforcement) shall settle disputes over investigatory jurisdiction with the Internal Revenue Service in consultation with the Commissioner, Internal Revenue Service.

c. With respect to matters discovered within the investigatory jurisdiction of a Department of Justice bureau or the Postal Service, the Director, ATF, shall adhere to the provisions on notice and coordination in the "Memorandum of Understanding Among the Secretary of the Treasury, the Attorney General and the Postmaster General Regarding Money Laundering Investigations," dated August 16, 1990, or any such subsequent memorandum of understanding entered pursuant to 18 U.S.C. § 1956(e) or 1957(e).

d. With respect to seizure and forfeiture operations and activities within its investigative jurisdiction, ATF shall comply with the policy, procedures, and directives developed and maintained by the Treasury Executive Office for Asset Forfeiture. Compliance shall include adhering to the oversight, reporting, and administrative requirements relating to seizure and forfeiture contained in such policy, procedures, and directives.

6. *Authorities.*

a. 18 U.S.C. §§ 981, 1952, 1956, 1957, 1961, and 2341-2346.

b. 31 U.S.C. §§ 5311-5326 (other than violations of 31 U.S.C. § 5316).

c. 22 U.S.C. § 2778.

d. TO 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

e. TO 102-14, "Delegation of Authority with Respect to the Treasury Forfeiture Fund Act of 1992," dated January 10, 1995.

7. *Cancellation.* Treasury Directive 15-12, "Delegation of Authority to the Director, Bureau of Alcohol, Tobacco and Firearms to Investigate Violations of 18 U.S.C. §§ 1956 and 1957," dated May 1, 1991, is superseded.

8. *Expiration Date.* This Directive shall expire three years from the date of