

material went into solution when agitated. We simply needed to make sure that the test material was not just decanted brake fluid without "crystals." When agitated, "crystals" or "slush-like crystallization" was not seen.

- Warning: In DOT Chemical's petition the phrase "when the fluid is subjected to temperatures in a normal braking system, the crystals go back into solution in some cases not to reappear at all at ambient temperatures" we believe implied the warming scenario mentioned in the granted petition cases.
- In the case of the granted petitions stating that "its 'slush-like crystallization' does not consist of 'crystals that are either water-based ice, abrasive, or have the potential to clog brake system components'" we believe implies the same thing as our statements "There is no contamination in this fluid" and "the crystals are a natural part (no contamination)."
- In the case of the granted petitions stating that "the crystallization that occurred ought not to have an adverse effect upon braking" we believe is carried to an additional degree by DOT Chemical's testing of the material at -40 °F through the viscometer (with dimensions and drawing provided) and stating that the diameter is much smaller than brake system lines. Specific phrases in DOT Chemical's appeal are "The crystals presented no problems with obstruction," "results again showed no obstruction," and "have not demonstrated any flow restrictions even at extended periods of low temperatures at minus 40 °F." Much time was spent on the flow and low temperatures because all tests passed except partial test failures concerning sedimentation and low temperatures.

Interested persons are invited to submit written data, views, and arguments on the petition appeal described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://>

www.regulations.gov. Follow the online instructions for submitting comments.

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

Comment closing date: October 3, 2005.

Authority (49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8)

Issued on: August 29, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-22236]

Annual List of Defect and Noncompliance Decisions Affecting Nonconforming Imported Vehicles

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

ACTION: Annual list of defect and noncompliance decisions affecting nonconforming vehicles imported by registered importers.

SUMMARY: This document contains a list of vehicles recalled by their manufacturers during Calendar Year 2004 (January 1, 2004 through December 31, 2004) to correct a safety-related defect or a noncompliance with an applicable Federal motor vehicle safety standard (FMVSS). The listed vehicles are those that NHTSA has decided are substantially similar to vehicles imported into the United States that were not originally manufactured and certified to conform to all applicable FMVSS. The registered importers of those nonconforming vehicles are required to provide their owners with notification of, and a remedy for, the defects or noncompliances for which the listed vehicles were recalled.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115. Once NHTSA decides that a nonconforming vehicle is eligible for importation, it may be imported by a person who is registered with the agency pursuant to 49 U.S.C. 30141(c). Before releasing the vehicle for use on public streets, roads, or highways, the registered importer must certify to NHTSA, pursuant to 49 U.S.C. 30146(a), that the vehicle has been brought into conformity with all applicable FMVSS.

If a vehicle originally manufactured for importation into and sale in the United States is decided to contain a defect related to motor vehicle safety, or not to comply with an applicable FMVSS, 49 U.S.C. 30147(a)(1)(A) provides that the same defect or noncompliance is deemed to exist in any nonconforming vehicle that NHTSA has decided to be substantially similar and for which a registered importer has submitted a certificate of conformity to the agency. Under 49 U.S.C. 30147(a)(1)(B), the registered importer is deemed to be the nonconforming vehicle's manufacturer for the purpose of providing notification of, and a remedy for, the defect or noncompliance.

To apprise registered importers of the vehicles for which they must conduct a notification and remedy (*i.e.*, "recall") campaign, 49 U.S.C. 30147(a)(2) requires NHTSA to publish in the **Federal Register** notice of any defect or noncompliance decision that is made with respect to substantially similar U.S. certified vehicles. Annex A contains a list of all such decisions that were made during Calendar Year 2004. The list identifies the Recall Number that was assigned to the recall by NHTSA after the agency received the manufacturer's notification of the defect or noncompliance under 49 CFR part 573. After December 31, 2005, NHTSA will publish a comparable list of all defect and noncompliance decisions affecting nonconforming imported vehicles that are made during the current calendar year.

Under 49 U.S.C. 30120(a), a manufacturer may remedy a safety-related defect or noncompliance in a motor vehicle by repairing the vehicle,

replacing the vehicle with an identical or reasonably equivalent vehicle, or by refunding the purchase price, less a reasonable allowance for depreciation. For each of the vehicles listed, the manufacturer elected to remedy the

defect or noncompliance by repair, and not by replacing the vehicle or by refunding the purchase price.

Authority: 49 U.S.C. 30147(a)(2); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Claude H. Harris,
Director, Office of Vehicle, Safety Compliance.

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS

Make	Model	Model year	NHTSA recall No.
ACURA	3.2CL	2001	04V176000
ACURA	3.2CL	2002	04V176000
ACURA	3.2CL	2003	04V176000
ACURA	3.2TL	2000	04V176000
ACURA	3.2TL	2001	04V176000
ACURA	3.2TL	2002	04V176000
ACURA	3.2TL	2003	04V176000
ACURA	MDX	2001	04V176000
ACURA	MDX	2002	04V176000
ACURA	TL	1999	03V423000
AUDI	A6	1998	04V133000
AUDI	A6	1999	04V133000
AUDI	A6	2000	04V133000
AUDI	A6	2001	04V133000
BMW	X5	2004	04V409000
BUICK	CENTURY	1999	04V375000
BUICK	LESABRE	1998	04V090000
BUICK	LESABRE	1999	04V090000
BUICK	LESABRE	2000	04V090000
BUICK	PARK AVENUE	1998	04V090000
BUICK	PARK AVENUE	1999	04V090000
BUICK	PARK AVENUE	2000	04V090000
BUICK	REGAL	1996	03V527000
BUICK	REGAL	1997	03V527000
BUICK	REGAL	1998	03V527000
BUICK	REGAL	1999	04V375000
BUICK	RENDEZVOUS	2003	04V150000
BUICK	RENDEZVOUS	2004	04V150000
CADILLAC	DEVILLE	1995	04V110000
CADILLAC	DEVILLE	1996	04V110000
CADILLAC	DEVILLE	1997	04V110000
CADILLAC	ELDORADO	1995	04V110000
CADILLAC	ELDORADO	1997	04V110000
CADILLAC	ESCALADE	2003	04V045000
CADILLAC	ESCALADE EXT	2002	04V129000
CADILLAC	ESCALADE EXT	2003	04V129000
CADILLAC	SEVILLE	1995	04V110000
CADILLAC	SEVILLE	1996	04V110000
CADILLAC	SEVILLE	1997	04V110000
CHEVROLET	ASTRO	2003	03V328000
CHEVROLET	AVALANCHE	2002	04V129000
CHEVROLET	AVALANCHE	2003	04V045000
CHEVROLET	AVALANCHE	2003	04V129000
CHEVROLET	AVALANCHE	2004	04V129000
CHEVROLET	BLAZER	2003	04V132000
CHEVROLET	BLAZER	2004	04V132000
CHEVROLET	CAVALIER	1998	04V036000
CHEVROLET	CAVALIER	1999	04V036000
CHEVROLET	CAVALIER	2000	04V036000
CHEVROLET	CAVALIER	2001	04V036000
CHEVROLET	CORVETTE	1997	04V060000
CHEVROLET	CORVETTE	1998	04V060000
CHEVROLET	CORVETTE	1999	04V060000
CHEVROLET	CORVETTE	2000	04V060000
CHEVROLET	CORVETTE	2001	04V060000
CHEVROLET	CORVETTE	2002	04V060000
CHEVROLET	CORVETTE	2003	04V060000
CHEVROLET	EXPRESS	2003	04V225000
CHEVROLET	IMPALA	2000	04V090000
CHEVROLET	IMPALA	2004	04V287000
CHEVROLET	LUMINA	1997	03V527000
CHEVROLET	LUMINA	1998	03V527000
CHEVROLET	MALIBU	1997	03V527000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
CHEVROLET	MALIBU	1998	03V527000
CHEVROLET	MALIBU	2000	03V327000
CHEVROLET	MALIBU	2001	03V327000
CHEVROLET	MONTE CARLO	1997	03V527000
CHEVROLET	MONTE CARLO	1998	03V527000
CHEVROLET	MONTE CARLO	2000	04V090000
CHEVROLET	S-10	2003	04V132000
CHEVROLET	SILVERADO	2000	04V129000
CHEVROLET	SILVERADO	2001	04V129000
CHEVROLET	SILVERADO	2002	04V129000
CHEVROLET	SILVERADO	2003	04V045000
CHEVROLET	SILVERADO	2003	04V129000
CHEVROLET	SILVERADO	2003	04V225000
CHEVROLET	SILVERADO	2004	04V045000
CHEVROLET	SILVERADO	2004	04V129000
CHEVROLET	SILVERADO	2004	04V225000
CHEVROLET	SILVERADO	2005	04V376000
CHEVROLET	SUBURBAN	2003	04V045000
CHEVROLET	SUBURBAN	2004	04V045000
CHEVROLET	TAHOE	2003	04V045000
CHEVROLET	TAHOE	2004	04V045000
CHEVROLET	TRAILBLAZER	2002	04V046000
CHEVROLET	TRAILBLAZER	2002	04V201000
CHEVROLET	TRAILBLAZER	2003	04V046000
CHEVROLET	TRAILBLAZER EXT	2002	04V046000
CHEVROLET	TRAILBLAZER EXT	2003	04V046000
CHEVROLET	VENTURE	2004	04V177000
CHRYSLER	300	2005	04V333000
CHRYSLER	300	2005	04V334000
CHRYSLER	300	2005	04V335000
CHRYSLER	300M	1999	04V021000
CHRYSLER	CIRRUS	1995	04V021000
CHRYSLER	CIRRUS	1996	04V021000
CHRYSLER	CIRRUS	1997	04V021000
CHRYSLER	CIRRUS	1998	04V021000
CHRYSLER	CIRRUS	1999	04V021000
CHRYSLER	CONCORDE	1993	04V021000
CHRYSLER	CONCORDE	1994	04V021000
CHRYSLER	CONCORDE	1995	04V021000
CHRYSLER	CONCORDE	1996	04V021000
CHRYSLER	CONCORDE	1997	04V021000
CHRYSLER	CONCORDE	1998	04V021000
CHRYSLER	CONCORDE	1999	04V021000
CHRYSLER	LHS	1994	04V021000
CHRYSLER	LHS	1995	04V021000
CHRYSLER	LHS	1996	04V021000
CHRYSLER	LHS	1997	04V021000
CHRYSLER	LHS	1998	04V021000
CHRYSLER	LHS	1999	04V021000
CHRYSLER	PT CRUISER	2001	04V268000
CHRYSLER	PT CRUISER	2002	04V268000
CHRYSLER	PT CRUISER	2003	04V268000
CHRYSLER	PT CRUISER	2005	04V268000
CHRYSLER	SEBRING	2004	04V313000
CHRYSLER	SEBRING	2004	04V336000
CHRYSLER	TOWN AND COUNTRY	1998	04V480000
CHRYSLER	TOWN AND COUNTRY	1999	04V480000
CHRYSLER	TOWN AND COUNTRY	2000	04V480000
DODGE	CARAVAN	1998	04V480000
DODGE	CARAVAN	1999	04V480000
DODGE	CARAVAN	2000	03V505000
DODGE	CARAVAN	2000	04V480000
DODGE	CARAVAN	2002	04V386000
DODGE	CARAVAN	2003	04V386000
DODGE	CARAVAN	2004	04V386000
DODGE	DAKOTA	2000	04V596000
DODGE	DAKOTA	2001	03V505000
DODGE	DAKOTA	2001	04V596000
DODGE	DAKOTA	2002	03V505000
DODGE	DAKOTA	2002	04V216000
DODGE	DAKOTA	2002	04V596000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
DODGE	DAKOTA	2003	04V216000
DODGE	DAKOTA	2003	04V596000
DODGE	DAKOTA	2004	04V216000
DODGE	DURANGO	2000	04V596000
DODGE	DURANGO	2001	04V596000
DODGE	DURANGO	2002	04V216000
DODGE	DURANGO	2002	04V596000
DODGE	DURANGO	2003	04V216000
DODGE	DURANGO	2003	04V596000
DODGE	GRAND CARAVAN	1998	04V480000
DODGE	GRAND CARAVAN	1999	04V480000
DODGE	GRAND CARAVAN	2000	03V505000
DODGE	GRAND CARAVAN	2000	04V480000
DODGE	GRAND CARAVAN	2002	04V386000
DODGE	GRAND CARAVAN	2003	04V386000
DODGE	GRAND CARAVAN	2004	04V386000
DODGE	INTREPID	1993	04V021000
DODGE	INTREPID	1994	04V021000
DODGE	INTREPID	1995	04V021000
DODGE	INTREPID	1996	04V021000
DODGE	INTREPID	1997	04V021000
DODGE	INTREPID	1998	04V021000
DODGE	INTREPID	1999	04V021000
DODGE	RAM	1998	04V185000
DODGE	RAM	1999	04V185000
DODGE	RAM	2000	04V185000
DODGE	RAM	2001	04V185000
DODGE	RAM	2002	04V185000
DODGE	RAM	2003	04V185000
DODGE	RAM	2004	04V385000
DODGE	RAM 2500	2004	04V221000
DODGE	STRATUS	1995	04V021000
DODGE	STRATUS	1996	04V021000
DODGE	STRATUS	1997	04V021000
DODGE	STRATUS	1998	04V021000
DODGE	STRATUS	1999	04V021000
EAGLE	VISION	1993	04V021000
EAGLE	VISION	1994	04V021000
EAGLE	VISION	1995	04V021000
EAGLE	VISION	1996	04V021000
EAGLE	VISION	1997	04V021000
FORD	CROWN VICTORIA	2003	04V328000
FORD	E150	2003	04V444000
FORD	E150	2003	04V445000
FORD	E250	2003	04V444000
FORD	E250	2003	04V445000
FORD	E350	2003	04V444000
FORD	E350	2003	04V445000
FORD	E350	2004	04V444000
FORD	E350	2004	04V445000
FORD	E450	2003	04V444000
FORD	E450	2003	04V445000
FORD	E450	2004	04V445000
FORD	E550	2003	04V444000
FORD	E550	2003	04V445000
FORD	ESCAPE	2001	03V507000
FORD	ESCAPE	2001	04V165000
FORD	ESCAPE	2002	04V165000
FORD	ESCAPE	2003	04V165000
FORD	EXCURSION	2003	04V327000
FORD	EXPLORER	2002	04V442000
FORD	EXPLORER	2003	04V442000
FORD	F150	2004	04V200000
FORD	F150	2004	04V443000
FORD	F250	2003	04V327000
FORD	F250	2004	04V229000
FORD	F350	2003	04V327000
FORD	F350	2004	04V229000
FORD	FOCUS	2000	03V482000
FORD	FOCUS	2001	03V482000
FORD	FREESTAR	2004	04V446000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
FORD	RANGER	2004	04V331000
FORD	TAURUS	1999	04V332000
FORD	TAURUS	2000	04V106000
FORD	TAURUS	2000	04V332000
FORD	TAURUS	2001	04V106000
FORD	TAURUS	2001	04V332000
FORD	TAURUS	2002	04V106000
FORD	TAURUS	2003	04V105000
FORD	TAURUS	2003	04V106000
FORD	TAURUS	2004	04V330000
GMC	ENVOY	2002	04V046000
GMC	ENVOY	2002	04V201000
GMC	ENVOY	2002	04V289000
GMC	ENVOY	2003	04V046000
GMC	ENVOY XL	2002	04V046000
GMC	ENVOY XL	2003	04V046000
GMC	SAFARI	2003	03V328000
GMC	SAVANA	2003	04V045000
GMC	SAVANA	2003	04V225000
GMC	SIERRA	2000	04V129000
GMC	SIERRA	2001	04V129000
GMC	SIERRA	2002	04V129000
GMC	SIERRA	2003	04V045000
GMC	SIERRA	2003	04V129000
GMC	SIERRA	2003	04V225000
GMC	SIERRA	2004	04V045000
GMC	SIERRA	2004	04V129000
GMC	SIERRA	2004	04V225000
GMC	SONOMA	2003	04V132000
GMC	YUKON	2003	04V045000
GMC	YUKON	2004	04V045000
GMC	YUKON XL	2003	04V045000
HARLEY DAVIDSON	FLHRCI	2003	04V218000
HARLEY DAVIDSON	FXD	2003	04V218000
HARLEY DAVIDSON	XL883	2003	04V218000
HONDA	ACCORD	1998	03V423000
HONDA	ACCORD	1999	03V423000
HONDA	ACCORD	2000	04V256000
HONDA	ACCORD	2001	04V256000
HONDA	ACCORD	2003	04V176000
HONDA	ACCORD	2004	04V176000
HONDA	CIVIC	2001	04V086000
HONDA	CIVIC	2002	04V086000
HONDA	CR-V	2002	04V255000
HONDA	CR-V	2003	04V255000
HONDA	INSIGHT	2000	04V086000
HONDA	INSIGHT	2001	04V086000
HONDA	ODYSSEY	1999	03V423000
HONDA	ODYSSEY	2002	04V176000
HONDA	ODYSSEY	2003	04V176000
HONDA	ODYSSEY	2004	04V176000
HONDA	PILOT	2003	04V176000
HONDA	S2000	2000	04V257000
HUMMER	H2	2003	04V045000
HYUNDAI	ELANTRA	2001	03V496000
HYUNDAI	ELANTRA	2002	03V496000
HYUNDAI	ELANTRA	2002	04V178000
HYUNDAI	ELANTRA	2003	03V496000
HYUNDAI	ELANTRA	2003	04V178000
HYUNDAI	ELANTRA	2004	04V208000
HYUNDAI	SANTA FE	2001	03V520000
HYUNDAI	SANTA FE	2002	03V520000
HYUNDAI	SANTA FE	2003	03V520000
HYUNDAI	SANTA FE	2003	04V131000
HYUNDAI	SANTA FE	2004	03V520000
HYUNDAI	SANTA FE	2004	04V131000
HYUNDAI	SONATA	2002	04V178000
HYUNDAI	TIBURON	2002	03V496000
HYUNDAI	TIBURON	2002	04V178000
HYUNDAI	TIBURON	2003	03V496000
HYUNDAI	TIBURON	2003	04V178000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
INTERNATIONAL	4300	2002	03V062000
INTERNATIONAL	4300	2005	04V508000
INTERNATIONAL	4700	1999	04V269000
INTERNATIONAL	4700	2000	04V269000
INTERNATIONAL	4700	2001	04V269000
INTERNATIONAL	4900	1999	04V269000
INTERNATIONAL	4900	2000	04V269000
INTERNATIONAL	4900	2001	04V269000
INTERNATIONAL	4900	2002	04V269000
INTERNATIONAL	7400	2002	04V144000
INTERNATIONAL	7400	2002	04V306000
INTERNATIONAL	7400	2003	04V144000
INTERNATIONAL	7400	2003	04V306000
INTERNATIONAL	7500	2002	04V144000
INTERNATIONAL	7500	2002	04V306000
INTERNATIONAL	7500	2003	04V144000
INTERNATIONAL	7500	2003	04V306000
INTERNATIONAL	7600	2003	04V306000
INTERNATIONAL	7600	2004	04V306000
INTERNATIONAL	9100	1997	04V100000
INTERNATIONAL	9100	1998	04V100000
INTERNATIONAL	9100	1999	04V100000
INTERNATIONAL	9100	2000	04V100000
INTERNATIONAL	9100	2001	04V100000
INTERNATIONAL	9200	1995	04V100000
INTERNATIONAL	9200	1996	04V100000
INTERNATIONAL	9200	1997	04V100000
INTERNATIONAL	9200	1998	04V100000
INTERNATIONAL	9200	1999	04V100000
INTERNATIONAL	9200	2000	04V100000
INTERNATIONAL	9200I	2000	04V100000
INTERNATIONAL	9300	1995	04V100000
INTERNATIONAL	9300	1996	04V100000
INTERNATIONAL	9300	1997	04V100000
INTERNATIONAL	9300	1998	04V100000
INTERNATIONAL	9300	1999	04V100000
INTERNATIONAL	9400	1995	04V100000
INTERNATIONAL	9400	1996	04V100000
INTERNATIONAL	9400	1997	04V100000
INTERNATIONAL	9400	1998	04V100000
INTERNATIONAL	9400	1999	04V100000
INTERNATIONAL	9400	2000	04V100000
INTERNATIONAL	9400	2001	04V100000
INTERNATIONAL	9900	1999	04V100000
INTERNATIONAL	9900	2000	04V100000
INTERNATIONAL	9900	2001	04V100000
INTERNATIONAL	9900	2002	04V100000
INTERNATIONAL	9900I	2000	04V100000
ISUZU	TROOPER	1992	04V199000
ISUZU	TROOPER	1993	04V199000
ISUZU	TROOPER	1994	04V199000
ISUZU	TROOPER	1995	04V199000
JAGUAR	S-TYPE	2003	04V024000
JAGUAR	S-TYPE	2003	04V488000
JEEP	GRAND CHEROKEE	2004	04V048000
JEEP	GRAND CHEROKEE	2004	04V112000
KENWORTH	T300	2003	04V169000
KENWORTH	T600	2004	04V174000
KENWORTH	T600	2004	04V356000
KENWORTH	T600	2004	04V360000
KENWORTH	T800	2004	04V174000
KENWORTH	T800	2004	04V356000
KENWORTH	T800	2004	04V360000
KIA	RIO	2001	04V179000
KIA	RIO	2002	04V179000
KIA	SEPHIA	2000	04V305000
KIA	SPORTAGE	1999	04V305000
KIA	SPORTAGE	2000	04V305000
LAND ROVER	DISCOVERY II	1999	04V005000
LAND ROVER	DISCOVERY II	2000	04V005000
LAND ROVER	DISCOVERY II	2000	04V006000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
LINCOLN	TOWN CAR	2003	04V328000
MAZDA	MPV	2001	04V234000
MAZDA	TRIBUTE	2001	03V515000
MAZDA	TRIBUTE	2001	04V175000
MAZDA	TRIBUTE	2002	04V175000
MERCURY	COUGAR	1999	04V421000
MERCURY	COUGAR	2000	04V421000
MERCURY	COUGAR	2001	04V421000
MERCURY	COUGAR	2002	04V421000
MERCURY	SABLE	1999	04V332000
MINI	COOPER S	2004	04V348000
MITSUBISHI	MONTERO	2002	04V319000
MITSUBISHI	MONTERO	2003	04V319000
NISSAN	FRONTIER	1999	04V230000
NISSAN	FRONTIER	2000	04V230000
NISSAN	FRONTIER	2001	04V230000
NISSAN	FRONTIER	2002	04V230000
NISSAN	MAXIMA	2004	04V326000
NISSAN	XTERRA	2000	04V230000
NISSAN	XTERRA	2001	04V230000
NISSAN	XTERRA	2002	04V230000
NISSAN	XTERRA	2003	04V230000
OLDSMOBILE	88	1998	04V090000
OLDSMOBILE	ALERO	2000	03V327000
OLDSMOBILE	ALERO	2001	03V327000
OLDSMOBILE	AURORA	1995	04V110000
OLDSMOBILE	AURORA	1996	04V110000
OLDSMOBILE	AURORA	1997	04V110000
OLDSMOBILE	BRAVADA	2002	04V046000
OLDSMOBILE	BRAVADA	2002	04V201000
OLDSMOBILE	BRAVADA	2002	04V289000
OLDSMOBILE	BRAVADA	2003	04V046000
OLDSMOBILE	CUTLASS	1997	03V527000
OLDSMOBILE	CUTLASS SUPREME	1996	03V527000
OLDSMOBILE	CUTLASS SUPREME	1997	03V527000
OLDSMOBILE	INTRIGUE	1998	03V527000
PLYMOUTH	BREEZE	1996	04V021000
PLYMOUTH	BREEZE	1997	04V021000
PLYMOUTH	BREEZE	1998	04V021000
PLYMOUTH	BREEZE	1999	04V021000
PLYMOUTH	GRAND VOYAGER	1998	04V480000
PLYMOUTH	GRAND VOYAGER	1999	04V480000
PLYMOUTH	GRAND VOYAGER	2000	04V480000
PLYMOUTH	VOYAGER	1998	04V480000
PLYMOUTH	VOYAGER	1999	04V480000
PLYMOUTH	VOYAGER	2000	04V480000
PONTIAC	BONNEVILLE	1998	04V090000
PONTIAC	BONNEVILLE	1999	04V090000
PONTIAC	BONNEVILLE	2000	04V090000
PONTIAC	GRAND AM	1998	04V036000
PONTIAC	GRAND AM	2000	03V327000
PONTIAC	GRAND AM	2001	03V327000
PONTIAC	GRAND AM	2004	04V301000
PONTIAC	GRAND PRIX	1996	03V527000
PONTIAC	GRAND PRIX	2004	04V287000
PONTIAC	GRAND PRIX	2004	04V299000
PONTIAC	MONTANA	2004	04V177000
PONTIAC	SUNFIRE	1998	04V036000
PONTIAC	SUNFIRE	1999	04V036000
PONTIAC	SUNFIRE	2000	04V036000
PONTIAC	SUNFIRE	2001	04V036000
PONTIAC	SUNFIRE	2004	04V300000
PORSCHE	CAYENNE S	2003	04V069000
SUBARU	IMPREZA	2002	04V128000
SUBARU	IMPREZA	2002	04V342000
SUBARU	IMPREZA	2003	04V128000
SUBARU	IMPREZA	2003	04V342000
SUBARU	LEGACY	2001	04V128000
SUBARU	LEGACY	2002	04V128000
SUBARU	OUTBACK	2001	04V128000
SUBARU	OUTBACK	2002	04V128000

ANNEX A.—CALENDAR YEAR 2004 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Model year	NHTSA recall No.
SUBARU	OUTBACK	2003	04V128000
SUZUKI	GRAND VITARA	1999	03V512000
SUZUKI	GRAND VITARA	1999	04V427000
SUZUKI	GRAND VITARA	2000	03V512000
SUZUKI	GRAND VITARA	2000	04V427000
SUZUKI	GRAND VITARA	2002	03V512000
SUZUKI	GRAND VITARA	2002	04V427000
SUZUKI	VZ800	2003	04V350000
TOYOTA	CAMRY	2002	04V346000
TOYOTA	CAMRY	2003	04V346000
TOYOTA	CAMRY	2004	04V346000
TOYOTA	HIGHLANDER	2001	04V181000
TOYOTA	HIGHLANDER	2002	04V181000
TOYOTA	HIGHLANDER	2003	04V181000
TOYOTA	HIGHLANDER	2004	04V181000
TRIUMPH	SPEED TRIPLE	2001	04V156000
TRIUMPH	TT600	2000	04V156000
VOLKSWAGEN	JETTA	1999	04V096000
VOLKSWAGEN	JETTA	2000	04V096000
VOLKSWAGEN	JETTA	2001	04V096000
VOLKSWAGEN	JETTA	2002	04V096000
WESTERN STAR	4900SA	2004	04V120000

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34738]

Paducah & Louisville Railway, Inc.— Acquisition—CSX Transportation, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 2 in STB Finance Docket No. 34738; Notice of Acceptance of Primary Application and Related Filings; Issuance of Procedural Schedule.¹

SUMMARY: The Surface Transportation Board (Board) is accepting for consideration: the primary application filed August 3, 2005, by Paducah & Louisville Railway, Inc. (P&L) and CSX Transportation, Inc. (CSXT); the Sub-No. 1 related filing filed August 3, 2005, by Evansville Western Railway, Inc.

¹ This decision covers: the application filed in STB Finance Docket No. 34738, *Paducah & Louisville Railway, Inc.—Acquisition—CSX Transportation, Inc.*; the exemption notice filed in STB Finance Docket No. 34738 (Sub-No. 1), *Evansville Western Railway, Inc.—Acquisition and Operation Exemption—Paducah & Louisville Railway, Inc.*; and the exemption notice filed in STB Finance Docket No. 34738 (Sub-No. 2), *Four Rivers Transportation, Inc. And Paducah & Louisville Railway, Inc.—Continuance in Control Exemption—Evansville Western Railway, Inc.* The application filed in STB Finance Docket No. 34738 is referred to as the “primary application.” The exemption notices filed in STB Finance Docket No. 34738 (Sub-Nos. 1 and 2) are referred to collectively as the “related filings.”

(EVWR); and the Sub-No. 2 related filing filed August 3, 2005, by Four Rivers Transportation, Inc. (FRTI) and P&L.

The primary application seeks Board approval under 49 U.S.C. 11321–26 for P&L’s acquisition of an approximately 124.5-mile CSXT line (the Evansville-Okawville Line or the Line) running between Evansville, IN (milepost OOH–324.0), and Okawville, IL (milepost OOH–445.7), including the 2.8-mile Mt. Vernon Branch (at Mt. Vernon, IN, between milepost OZJ–300 and milepost OZJ–302.8). The proposal is for P&L to purchase the track, ties, switches, and other track material (the improvements) and to lease for 20 years (with a 5-year extension available) the real property. This proposal is referred to as the P&L Transaction, and FRTI/P&L/EVWR² and CSXT are referred to collectively as applicants.

The related filings seek authority for P&L to immediately transfer the improvements and assign its lease of the real property to its newly created wholly owned subsidiary, EVWR. This proposal is referred to as the EVWR Transaction, and the P&L Transaction and the EVWR Transaction are referred to collectively as the P&L/EVWR Transaction. The Sub-No. 1 filing seeks an exemption under 49 U.S.C. 10502 and 49 CFR 1150.31 to permit EVWR to purchase the improvements, take assignment of the lease of the real property, and operate the Line. The Sub-No. 2 filing seeks an exemption under 49 U.S.C. 10502 and 49 CFR

² EVWR is a wholly owned subsidiary of P&L, which is itself a wholly owned subsidiary of FRTI.

1180.2(d)(2) to permit P&L to continue in control of EVWR, and to permit FRTI to continue in control of P&L and EVWR, when EVWR becomes a rail carrier upon acquisition of the Line.

The Board finds that the P&L Transaction is a “minor transaction” under 49 CFR 1180.2(c), and the Board adopts a procedural schedule for consideration of the primary application and the related filings, under which the Board’s final decision would be issued on December 12, 2005.

DATES: The effective date of this decision is September 2, 2005. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than September 12, 2005, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or either of the related filings, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by October 12, 2005. Responses to comments, protests, requests for conditions, and other opposition, and rebuttal in support of the primary application or either of the related filings must be filed by October 27, 2005. If a public hearing or oral argument is held, it will be held the week of November 14, 2005. The Board will issue its final decision on December 12, 2005. For further information respecting dates, see Appendix A (Procedural Schedule).

ADDRESSES: Any filing submitted in this proceeding must be submitted either via