

(FMVSS) No. 208, *Occupant Crash Protection*.

The notice explained that NHTSA had examined the CMVSS and found that, in most essential respects, they are identical to the FMVSS, and that the most significant difference between the two sets of standards concerned occupant protection requirements. NHTSA noted that CMVSS No. 208, *Occupant Restraint Systems*, does not require a passenger car to be equipped with automatic restraints, in contrast to FMVSS No. 208, *Occupant Crash Protection*, which requires automatic restraints in front designated seating positions for all passenger cars manufactured on and after September 1, 1989. Owing to this difference, and the agency's uncertainty that Canadian-certified vehicles could be retrofitted with automatic restraint systems, NHTSA limited its eligibility determination to passenger cars manufactured before September 1, 1989, or those manufactured on or after that date that are equipped by their original manufacturer with an automatic restraint system that complies with FMVSS No. 208.

The notice observed that in the absence of a determination by NHTSA on its own initiative, any manufacturer or registered importer could petition the agency to determine whether a vehicle requiring the installation of an automatic restraint system to comply with FMVSS No. 208 was eligible for importation into the United States. In the ensuing years, NHTSA has received, and granted, a number of petitions from registered importers seeking import eligibility decisions on vehicles requiring the installation or replacement of automatic restraint systems to comply with FMVSS No. 208. These petitions were granted on the basis of information demonstrating that automatic restraints could be installed in the subject vehicles without the need for significant structural modifications that would render those vehicles incapable of being readily altered to conform to the standards, and therefore ineligible for importation under the criteria specified in 49 U.S.C. § 30141(a)(1)(A).

Through its monitoring of vehicle imports, NHTSA has identified the vehicles listed in the annex to this notice as ones that have been recently imported into the United States from Canada that do not meet the requirements of FMVSS No. 208 because they lack an automatic restraint system at both outboard front seating positions. These vehicles are certified by their original manufacturers as complying with all applicable CMVSS.

In order to develop a realistic enforcement policy concerning these vehicles, and to determine whether to allow future importations of similar vehicles, NHTSA is soliciting comments through this notice on whether the vehicles listed in the annex are capable of being readily altered to comply with FMVSS No. 208.

#### Tentative Decisions

Pending its review of any comments submitted in response to this notice, NHTSA hereby tentatively decides that each of the passenger cars listed in the annex to this notice is substantially similar to a passenger car originally manufactured for sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

#### Vehicle Eligibility Number

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. If these tentative decisions are ultimately made final, all passenger cars listed in the annex to this notice will be eligible for entry into the United States under Vehicle Eligibility No. VSA-1.

#### Comments

Section 30141(b) of Title 49, U.S. Code requires NHTSA to provide a minimum period for public notice and comment on decisions made on its own initiative consistent with ensuring expeditious, but full consideration and avoiding delay by any person. NHTSA believes that a minimum comment period of 30 days is appropriate for this purpose. Interested persons are invited to submit comments on the tentative decisions described above. It is requested, but not required, that five copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of NHTSA's final decision will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: May 7, 1996.  
Ricardo Martinez,  
Administrator.

#### Annex

#### Vehicles Covered by Tentative Decision

The following passenger cars, certified by their original manufacturer as complying with all applicable Canadian Motor Vehicle Safety Standards:

1994 and 1995 Chrysler LeBaron  
1994 and 1995 Dodge Spirit  
1994 and 1995 Dodge Shadow  
1994 and 1995 Dodge Viper  
1994 and 1995 Plymouth Acclaim  
1994 and 1995 Plymouth Sundance  
1995 Mazda Protégé

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#### Surface Transportation Board <sup>1</sup>

[STB Finance Docket No. 32879]

#### Nebraska Central Railroad Company— Lease and Operation Exemption— Lines of Union Pacific Railroad Company

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10502, exempts from the prior approval requirements of 49 U.S.C. 10902 the lease and operation by Nebraska Central Railroad Company of three branch lines of Union Pacific Railroad Company consisting of: (1) a line of railroad extending from milepost 83.3 to milepost 80.0 (approximately 3.3 miles); (2) a line of railroad extending from milepost 46.1 to milepost 43.44 (approximately 2.7 miles); and (3) the Norfolk Branch extending from milepost 0.0 to milepost 46.1 (approximately 1.5 miles),<sup>2</sup> in Norfolk, NE.

**DATES:** This exemption is effective on May 10, 1996. Petitions to stay must be filed by May 16, 1996. Petitions to reopen must be filed by June 3, 1996.

**ADDRESSES:** Send pleadings, referring to STB Finance Docket No. 32879, to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch,

<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 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.

<sup>2</sup> The mileposts here describe locations on separate branch lines. Thus, the mileage between these two points is actually about 1.5 miles, and not 46.1 miles.

1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Robert A. Wimbish, Suite 420, 1920 N Street, N.W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-7513. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., Room 2229, 1201 Constitution Avenue, N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: April 22, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
Secretary.

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## DEPARTMENT OF THE TREASURY

[Treasury Directive Number 12-70]

### Delegation of Authority of Functions and Establishment of Responsibilities Relating to the Institute of American Indian Arts

May 3, 1996.

1. *Purpose.* This Directive delegates authority and establishes responsibilities for functions relating to the Institute of American Indian and Alaska Native Culture and Arts Development's (referred to as the "Institute of American Indian Arts" or the "Institute") two trust funds: the Program Enhancement Endowment and the Capital Improvement Endowment.

2. *Scope.* This Directive applies to the Office of the Assistant Secretary for Management & CFO, Office of Inspector General (OIG), Office of the Commissioner of Internal Revenue (IRS), Office of the Commissioner, Financial Management Service (FMS), and Office of the Deputy CFO.

3. *Background.* Treasury Order (TO) 102-11 delegates the authority vested in the Secretary of the Treasury by 20 U.S.C. 4425 for the Institute of American Indian and Alaska Native Culture and Arts Development to the Assistant Secretary for Management & CFO and to the Inspector General.

a. The Institute, a Government-controlled corporation and not an agency of the United States, was established by Congress in October 1986

by Public Law (Pub. L.) 99-498. It submits an annual report to Congress, submits its budget directly to Congress, and receives appropriations (20 U.S.C. 4451) to meet normal operating expenses. It is designated as its own certifying agency for funds appropriated to it (20 U.S.C. 4451)(a)(4)). Pub. L. 101-644, 104 Stat. 4669, dated November 29, 1990, enacted an amended 20 U.S.C. 4425, "Endowment Programs," expanding the role of the Secretary of the Treasury in the Institute. This amendment established the Program Enhancement Endowment and the Capital Improvement Endowment trust funds. Statutory amendments (Pub. L. 101-644, Title V, § 505, dated November 29, 1990) and 20 U.S.C. 4416(f) further established a Federal matching contribution for private contributions to the trust funds, such that the Program Enhancement Endowment and the Capital Improvement Endowment may accept, in addition to cash contributions, "noncash, in-kind contributions of real or personal property" which may be converted to cash. Federal matching contributions are limited by the annual appropriation for matching purposes.

b. The statute requires the Secretary of the Treasury to:

(1) establish procedures for appraisal of noncash donations to the Institute;

(2) transfer to the Institute funds constituting the Federal capital contribution to the Program Enhancement and Capital Endowment trust funds established by § 4425(a) and § 4416(f) equal to the amount the Institute demonstrates it has received as private contributions (either cash or noncash). It is Treasury's responsibility to establish appropriate procedures concerning cash contributions and how the Institute will "demonstrate" receipt; and

(3) review and approve the governing provisions of the trust funds established under § 4425, including the recordkeeping requirements, as will allow for the Secretary of the Treasury to audit and monitor the activities of the trust funds covered in 20 U.S.C. 4425(c)(3).

4. *Delegations.* The authority delegated to the Assistant Secretary for Management & CFO by TO 102-11 is redelegated as follows.

a. *The Deputy CFO* is delegated the authority contained in 20 U.S.C. 4425 to perform the functions vested in the Secretary by that section, as redelegated under TO 102-11, subject to the delegations in paragraphs 4.b. and 4.c.

b. *The Commissioner of Internal Revenue* is delegated the authority to:

(1) amend the procedures for appraising contributions to the Institute established in accordance with 20 U.S.C. 4425(a)(3); and

(2) assist the General Services Administration (GSA) in reviewing such appraisals.

c. *The Commissioner, Financial Management Service*, is delegated the authority to:

(1) establish and maintain necessary Government account symbols for the Institute's appropriated amounts;

(2) make payment transfers of Federal funds to the Institute pursuant to, and in accordance with, the provisions of 20 U.S.C. 4451, 4425(a)(4) and (b)(5); and

(3) complete all necessary Federal transfer and reporting forms related to the Institute's appropriated amounts.

#### 5. *Responsibilities.*

a. *The Inspector General (IG)* shall perform an annual financial statement audit of the Program Enhancement Endowment and the Capital Improvement Endowment trust funds. The IG shall conduct these audits in-house or through a contractual arrangement.

b. *The Deputy CFO* shall:

(1) review and ensure that the recordkeeping procedures for the trust funds, the Program Enhancement Endowment and the Capital Improvement Endowment, are adequate to protect the financial interest of the United States for the:

(a) investment of Federal funds received by the trust funds; and

(b) expenditure of accumulated interest for the trust funds; and

(2) monitor the activities of the trust funds by reviewing the quarterly unaudited financial statements for the trust funds.

c. *The Commissioner of Internal Revenue* shall perform the duties stated in paragraph 4.b. and as specified in the Memorandum of Understanding (MOU) dated February 3, 1995, between GSA, the Institute and the Department of the Treasury.

d. *The Commissioner, Financial Management Service*, shall perform the duties stated in paragraph 4.c. and as specified in the MOU dated February 3, 1995, between GSA, the Institute and the Department of the Treasury.

#### 6. *Authorities.*

a. TO 102-11, "Delegation—Institute of American Indian Arts," dated March 17, 1992.

b. 20 U.S.C. 4425, "Endowment Programs."

c. 20 U.S.C. 4451, "Authorization of Appropriations."

d. 20 U.S.C. 4416(f), "Applicability"

7. *Cancellation.* Treasury Directive 12-70, "Delegation of Authority of