

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**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R-90-009) has petitioned NHTSA to decide whether 1989 Alfa Romeo 164 passenger cars are eligible for importation into the United States. The vehicle which 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 196 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1989 Alfa Romeo 164 is substantially similar to a 1989 Alfa Romeo Milano 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: March 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
[FR Doc. 97-7578 Filed 3-25-97; 8:45 am]

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[Docket No. 96-094; Notice 2]

Denial of Petition for Import Eligibility Decision

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30141(a)(1)(A). The petition, which was submitted by Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne"), a registered importer of motor vehicles, requested NHTSA to decide that a 1995 Audi S6 Avant Quattro Wagon that was not originally manufactured to comply with all applicable Federal motor vehicle safety

standards is eligible for importation into the United States. In the petition, Champagne contended that this vehicle is eligible for importation on the basis that (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards (the 1995 Audi A6 Quattro Wagon), and (2) it is capable of being readily altered to conform to the standards.

NHTSA published a notice in the **Federal Register** on September 6, 1996 (61 FR 46900) that contained a thorough description of the petition, and solicited public comments upon it. One comment was received in response to the notice, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of Audi AG, the vehicle's manufacturer. In this comment, Volkswagen contended that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is ineligible for importation because it is not substantially similar to a vehicle that was originally manufactured and certified for sale in the United States and is not capable of being readily altered to conform to the standards. Specifically, Volkswagen observed that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is equipped with a 4.2 liter V8 engine, which it claimed is significantly larger and heavier than either the 2.8 liter V6 engine that is installed in the U.S. certified 1995 Audi A6 Quattro Wagon or the 2.2 liter 5 cylinder engine that is installed in the U.S. certified 1995 Audi S6 Quattro Wagon. Volkswagen stated that no dynamic testing has been performed that would be necessary to certify that the vehicle, when equipped with the larger engine, will meet the requirements of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. Additionally, Volkswagen noted that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is not equipped with a knee bolster that is necessary to meet the automatic restraint requirements of Standard No. 208.

NHTSA accorded Champagne an opportunity to respond to Volkswagen's comments. In its response, Champagne expressed strong disagreement with Volkswagen's contention that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is not substantially similar to a vehicle originally manufactured and certified for sale in the United States. Champagne asserted that the vehicle's larger engine size does not have a significant impact on the crashworthiness of the vehicle or on its

compliance with Standard No. 208. Specifically, Champagne contended that the 2.2 liter "in line" 5 cylinder engine installed in the U.S. certified 1995 Audi S6 Quattro Wagon is very close in length to the V8 engine installed in the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon. Additionally, Champagne observed that because of the extensive use of aluminum in larger engines, the weight of vehicles equipped with each of these engines would differ by only "a few percent."

In a subsequent response, Champagne elaborated on these comments by stating that the additional length and weight of the V8 engine installed in the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon will not significantly affect the crash performance of the vehicle when compared to a comparable model equipped with the 2.8 liter V6 engine that is installed in the U.S. certified 1995 Audi S6 Quattro. Specifically, Champagne alleged that the total distance from the back edge of the engine block to the front edge of the fire wall in the non-U.S. certified 1995 Audi S6 Avant Quattro is two inches, a measurement that it asserts is identical to that found in the U.S. certified 1995 Audi S6 Quattro equipped with the 2.8 liter V6 engine. Based on this similarity, Champagne theorized that "in a frontal crash, the V8 engine will affect the passenger compartment in a similar manner as the V6 engine." Additionally, Champagne contended that both the non-U.S. certified 1995 Audi S6 Avant Quattro and its U.S. certified counterpart are "designed so that in a severe frontal crash the engine and drivetrain are directed downward and rearward, under the passenger compartment." According to Champagne, "[t]his minimizes the effect [of these components] on the safety characteristics of the frontal crush zone," and results in both the U.S. and non-U.S. certified versions of the vehicle "having substantially similar [Standard No. 208] compliance results * * *. Champagne further reiterated that the V8 is only three percent heavier than the V6, and only one percent heavier than the 5 cylinder engine when engine weight is measured as a percentage of total vehicle weight. Champagne asserted that this difference "is not significant, and will not have a significant impact on [Standard No. 208] compliance."

NHTSA accorded Volkswagen an opportunity to respond to Champagne's comments. In its response, Volkswagen discounted the significance of the distance between the back of the engine and the vehicle firewall as an indicator of the engine's effect on crash

performance. In contrast, Volkswagen observed that "[t]he greater overall size of the 4.2 liter engine and transaxle combination versus the 2.8 liter V6 actually reduces the available crush space at the back of the engine/transaxle system and alters the crash deceleration pulse." Volkswagen contended that "[t]he effect of such crash pulse differences is greater on an unbelted dummy than on a belted dummy," and "[f]or that reason verification of compliance to FMVSS 208 of the S6 vehicle with the 4.2 liter V8 engine would require a crash test." Additionally, Volkswagen asserted that contrary to Champagne's claim, there is no design feature incorporated into Audi vehicles "for the engine and drivetrain to be directed downward and rearward under the passenger compartment to minimize their effect on the safety characteristics of the frontal crush zone."

NHTSA has fully considered the comments from both Volkswagen and Champagne. In light of Volkswagen's claim that a 1995 Audi S6 Avant Quattro Wagon equipped with a 4.2 liter V8 engine has never been subjected to the dynamic test requirements of Standard No. 208, Champagne had the burden of producing test data or other information to demonstrate that the vehicle is capable of meeting those requirements when equipped with that engine. Champagne's plain assertion that the 4.2 liter V8 engine is close to the size and weight of the 2.2 liter 5 cylinder engine installed in the U.S. certified 1995 Audi A6 Quattro, and is located the same distance from the firewall as the 2.8 liter V6 engine installed in the U.S. certified 1995 Audi S6 Quattro, without further supporting information, is not sufficient to meet this burden. Accordingly, NHTSA has concluded that the petition does not clearly demonstrate that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is eligible for importation. The petition must therefore be denied under 49 CFR 593.7(e).

In accordance with 49 U.S.C. 30141(b)(1), NHTSA will not consider a new import eligibility petition covering this vehicle until at least three months from the date of this notice.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 20, 1997.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.
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Research and Special Programs Administration

[Notice No. 97-1]

Hazardous Materials Transportation; Registration and Fee Assessment Program

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of filing requirements.

SUMMARY: The Hazardous Materials Registration Program will enter registration year 1997-98 on July 1, 1997. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation. Persons who registered for the 1996-97 registration year will be mailed a registration statement form and informational brochure in May.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis, DHM-60 (202-366-4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001, or by E-mail to REGISTER@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: This notice is intended to notify persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. Each person, as defined by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*), who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a fee. The regulations implementing this program are in Title 49, Code of Federal Regulations, §§ 107.601-107.620.

Proceeds from the fee are used to fund grants to State, local, and Indian tribal governments for emergency response training and planning. Grants were awarded to all states, three territories, and 15 Native American tribes during FY 1996. By law, 75 percent of the Federal grant monies awarded to the States is further distributed to local emergency response and planning agencies. The FY 1995 funds helped to provide: (1) Training for 121,000 emergency response personnel; (2) approximately 500 commodity flow studies and hazard analyses; (3) 4,500 emergency response plans updated or written for the first time; (4) assistance to 2,150 local emergency planning committees; and (5) 770 emergency exercises.

The persons affected by these regulations are those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;

B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (that is, a "material poisonous by inhalation" that meets the criteria for "hazard zone A");

D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or

E. A shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The following persons are excepted from the registration requirement:

A. Agencies of the Federal Government;

B. Agencies of States;

C. Agencies of political subdivisions of States;

D. Employees of those agencies listed in A, B, or C with respect to their official duties;

E. Hazmat employees, including the owner-operator of a motor vehicle which transports in commerce hazardous materials if that vehicle, at the time of those activities, is leased to a registered motor carrier under a 30-day or longer lease as prescribed in 49 CFR Part 1057 or an equivalent contractual relationship; and

F. Persons domiciled outside the United States who offer, solely from locations outside the United States, hazardous materials for transportation in commerce, if the country in which they are domiciled does not impose registration or a fee upon U.S. companies for offering hazardous materials into that country. However, persons domiciled outside the United States who carry the types and quantities of hazardous materials that require registration within the United States are subject to the registration requirement.

The 1996-97 registration year ends on June 30, 1997. The 1997-98 registration year will begin on July 1, 1997, and end on June 30, 1998. Any person who engages in any of the specified activities during the 1997-98 registration year