

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Clinton County Airport.

Issued in Jamaica, New York on October 3, 1996.

Thomas Felix,

*Acting Manager, Planning & Programming
Branch Eastern Region.*

[FR Doc. 96-25952 Filed 10-8-96; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Regulations Governing the Common Carrier Transportation of Household Goods

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This document provides notice that the arbitration requirements imposed on household goods carriers providing service in interstate and foreign commerce by the ICC Termination Act of 1995 (ICCTA) are in effect with respect to all shipments transported after December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Stanley M. Braverman (202) 927-6316, or Paul Brennan (202) 366-0834, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This document provides notice that the arbitration requirements imposed on household goods carriers providing service in interstate and foreign commerce by the ICCTA, Pub. L. No. 104-88, 109 Stat. 803, are in effect with respect to all shipments transported after December 31, 1995.

The ICCTA mandates that, as a condition of registration, a carrier providing transportation of household goods must agree to offer shippers arbitration as a means of settling disputes regarding loss and damage claims, 49 U.S.C. 14708. The arbitration procedural requirements are detailed in the ICCTA, and the following is a general overview of those requirements as set forth in 49 U.S.C. 14708(b): (1) The arbitration offered must be designed

to prevent the carrier from having special advantage; (2) the carrier must provide notice, before the goods are tendered for transport, to the shipper of the availability of neutral arbitration, including a summary of the arbitration procedure, any applicable costs, and disclosure of the legal effects of election to utilize arbitration; (3) upon the shipper's request, the carrier must provide forms and information necessary for initiating an action to resolve a dispute under arbitration; (4) each person authorized to arbitrate must be independent of the parties to the dispute and capable of resolving such disputes, and the carrier must ensure that the arbitrator is authorized and able to obtain from the carrier or shipper any material or relevant information to carry out a fair and expeditious decisionmaking process; (5) no shipper may be charged more than half the cost for instituting an arbitration and the arbitrator may make a determination as to payment of the costs in the arbitration decision; (6) the carrier must not require the shipper to agree to utilize arbitration before a dispute arises, and arbitration is binding, for claims of \$1000 or less, if the shipper requests arbitration or, for claims of more than \$1000, if the shipper requests arbitration and the carrier agrees to it; (7) if all parties agree, the arbitrator may provide for an oral presentation of a dispute by a party or representative of a party; and (8) the arbitrator must render a decision within 60 days of receipt of written notification of the dispute (that 60-day period may be extended for a reasonable period under certain circumstances), and a decision by an arbitrator may include any remedies appropriate under the circumstances.

Because the arbitration requirement is now a condition of registration, the registration regulations will be amended to reflect that condition. An interim final rule will be published to require each applicant seeking authority to transport household goods to certify, as a condition of registration, that it agrees to offer, in accordance with 49 U.S.C. 14708, its shippers arbitration as a means of settling disputes concerning damage or loss to household goods transported and that applicant has such a system in place. Failure to implement this required arbitration system could result in the suspension or revocation of the household goods carrier's registration. Further, by this notice, all carriers transporting household goods in interstate commerce are advised that arbitration programs must be in place and that all loss and damage claims arising from shipments transported after

December 31, 1995, are subject to the arbitration requirements. The information for shippers will be amended to replace the required summary of any dispute settlement program with a summary of the arbitration procedure.

(23 U.S.C. 315; 49 U.S.C. 14708; 49 CFR 1.48)

Issued on: September 30, 1996.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 96-25879 Filed 10-8-96; 8:45 am]

BILLING CODE 4910-22-P

National Highway Traffic Safety Administration

[Docket No. 96-106; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1997 Mercedes-Benz Gelaendewagen Type 463 Multi-Purpose Passenger Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on petition for decision that nonconforming 1997 Mercedes-Benz Gelaendewagen Type 463 multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a decision that a 1997 Mercedes-Benz Gelaendewagen Type 463 MPV that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is November 8, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:
Background

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 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, 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. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

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.

Europa International, Inc. of Santa Fe, New Mexico (Registered Importer No. R-91-002) has petitioned NHTSA to decide whether 1997 Mercedes-Benz Gelaendewagen Type 463 MPVs are eligible for importation into the United States. Europa contends that this vehicle is eligible for importation under 49 U.S.C. § 30141(a)(1)(B) because it has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the 1997 Mercedes-Benz Gelaendewagen Type 463 MPV has safety features that comply with Standard Nos. 102 *Transmission Shift Lever Sequence* * * * (based on visual inspection and operation), 103 *Defrosting and Defogging Systems* (based on visual inspection), 104 *Windshield Wiping and Washing Systems* (based on operation), 113 *Hood Latch Systems* (based on information in owner's manual describing operation of secondary latch mechanism), 116 *Brake Fluids* (based on visual inspection of certification markings and information in owner's manual describing fluids

installed at factory), 119 *New Pneumatic Tires for Vehicles other than Passenger Cars* (based on visual inspection of certification markings), 124 *Accelerator Control Systems* (based on operation and comparison to U.S.-certified vehicles), 201 *Occupant Protection in Interior Impact* (based on test data and certification of vehicle to European standard), 202 *Head Restraints* (based on Standard No. 208 test data for prior model year vehicle with same head restraint and certification of vehicle to European standard), 204 *Steering Control Rearward Displacement* (based on test film for prior model year vehicle), 205 *Glazing Materials* (based on visual inspection of certification markings), 207 *Seating Systems*, (based on test results and certification of vehicle to European standard), 209 *Seat Belt Assemblies* (based on wiring diagram of seat belt warning system and visual inspection of certification markings), 211 *Wheel Nuts, Wheel Discs and Hubcaps* (based on visual inspection), 214 *Side Impact Protection* (based on test results for prior model year vehicle), and 219 *Windshield Zone Intrusion* (based on test results and certification information for prior model year vehicle).

The petitioner also contends that the 1997 Mercedes-Benz Gelaendewagen Type 463 MPV is capable of being altered to comply with 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) installation of a speedometer/odometer calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model sealed beam headlamps; (b) installation of U.S.-model side marker lamps and reflectors; (c) installation of a high mounted stop lamp. The petitioner asserts that testing performed on the taillamp reveals that it complies with the standard, even though it lacks a DOT certification marking, and that all other lights are DOT certified.

Standard No. 111 *Rearview Mirrors*: Inscription of the required warning statement on the convex surface of the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 118 *Power-Operated Window Systems*: rewiring of the power window system so that the window transport is inoperative when the front doors are open.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger*

Cars: Installation of a tire information placard. The petitioner asserts that even though the tire rims lack a DOT certification marking, they comply with the standard, based on their manufacturer's certification that they comply with the German TUV regulations, as well as their certification by the British Standards Association and the Rim Association of Australia.

Standard No. 206 *Door Locks and Door Retention Components*: Installation of interior locking buttons on all door locks and modification of rear door locks to disable latch release controls when locking mechanism is engaged.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of complying driver's and passenger's side air bag systems; (b) installation of a seat belt warning system; (c) placement of an air bag warning label on the visors of vehicles manufactured after November 1996. The petitioner states that the vehicle will meet frontal impact test requirements with structural modifications described in a submission that has been granted confidentiality by NHTSA's Office of Chief Counsel under 49 CFR Part 512.

Standard No. 210 *Seat Belt Assembly Anchorages*: Insertion of instructions on the installation and use of child restraints in the owner's manual for the vehicle. The petitioner certifies that the vehicle complies with this standard on the basis of tests performed to the standard's requirements by an independent testing and engineering laboratory.

Standard No. 212 *Windshield Retention*: Application of cement to the windshield's edges.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve.

Standard No. 302 *Flammability of Interior Materials*: Treatment of fabric seating surfaces with a flame-proof spray.

The petitioner additionally states that a vehicle identification number (VIN) plate must be attached to the vehicle's dash so that it is visible to an observer at the driver's side "A" pillar, as required by 49 CFR Part 565. The petitioner also states that a vehicle rollover warning statement must be inserted in the owner's manual and on a sticker affixed to the driver's side visor of short wheelbase Gelaendewagens, as required by 49 CFR 575.105.

Interested persons are invited to submit comments on the petition 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, S.W.,

Washington, DC 20590. It is requested but not required that 10 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 final action will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on October 3, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96-25883 Filed 10-8-96; 8:45 am]

BILLING CODE 4910-59-P

[Docket No. 96-102; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1990-1993 Mercedes-Benz 300E 4Matic Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1990-1993 Mercedes-Benz 300E 4Matic passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1990-1993 Mercedes-Benz 300E 4Matic passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 8, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

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 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, 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 ("Wallace") (Registered Importer 90-005) has petitioned NHTSA to decide whether 1990-1993 Mercedes-Benz 300E 4Matic (Model ID 124.230) passenger cars are eligible for importation into the United States. The vehicles which Wallace believes are substantially similar are 1990-1993 Mercedes-Benz 300E 4Matic passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1990-1993 Mercedes-Benz 300E 4Matics to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the non-U.S. certified 1990-1993 Mercedes-Benz 300E 4Matics, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1990-1993 Mercedes-Benz 300E 4Matics are identical to their U.S. certified counterparts 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*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts*, 212 *Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicles are capable of being readily altered 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 the ECE warning symbol on the brake system warning light; (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; (b) installation of U.S.-model rear turn signal lenses; (c) installation of a high mounted stop lamp.

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

Standard No. 111 *Rearview Mirror*: Inscription of the required warning statement on the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Installation of 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. 118 *Power Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components*: (a) Replacement of the cap on each interior door locking button to permit operation from inside the vehicle; (b) modification of the rear door locks so that the interior