completed until February 1997. This drydocking schedule, Matson adds, will require both the CHIEF GADAO and LIHUE, which are no longer geographically restricted pursuant to section 506, to remain in the Pacific Alliance Service (U.S. Pacific Coast, Hawaii, Guam, Far East, U.S. Pacific Coast deployment) through February 1997 and thus be unavailable to substitute for the EWA in the Pacific coast shuttle service. Matson points out that, even if available, the CHIEF GADAO and LIHUE were specifically modified to carry the Pacific Alliance Service cargo package. The EWA was not so modified and does not have the required capacity configuration for deployment in the Pacific Alliance Service.

It is Matson's view that grant of the requested permission will further the policy of the Act by promoting a U.S. merchant marine sufficient to carry the country's domestic water-borne commerce and a substantial portion of its foreign commerce. In this connection, Matson points out that the EWA will be carrying exclusively domestic cargo between Los Angeles, California; Oakland, California; and Seattle, Washington, in the course of foreign commerce voyages between Vancouver, B.C. and these U.S. Pacific coast ports.

Matson believes that since no one besides Matson is providing an intercoastal service along the U.S. Pacific coast, the use of the EWA in the Pacific coast shuttle service cannot result in unfair competition to any domestic operator.

Any person, firm, or corporation having any interest in the application for section 506 consent and desiring to submit comments concerning Weston's request must by the close of business on November 12, 1996, file written comments in triplicate, to the Secretary, Maritime Administration, Room 7210, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. The Maritime Administration, as a matter of discretion, will consider any comments submitted and take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidies (CDS))

By Order of the Maritime Administrator.

Dated: October 23, 1996.

Joel C. Richard,

Secretary.

[FR Doc. 96–27596 Filed 10–25–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

[Docket No. 96–113; Notice 1]

Ford Motor Company; Receipt of Application for Decision of Inconsequential Noncompliance

Ford Motor Company of Dearborn, Michigan, has determined that certain 1996 model year Mercury Villager and Nissan Quest vehicles, designed and engineered by Nissan, and manufactured by Ford, 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 Information Report.'' Ford 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.

This notice of receipt of an application is published under 49 U.S.C. 30118(d) and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

Paragraph S4(e) of FMVSS No. 118 requires 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 either of its front doors.

From September 18, 1995, through July 31, 1996, Ford manufactured approximately 57,400 Mercury Villager and 46,500 Nissan Quest vehicles that do not comply with the power window requirements of FMVSS No. 118, paragraph S4(e). The power-operated windows in these vehicles can be closed after the ignition key is turned to the ''off'' position and the right front (passenger) door is opened. The power window *cannot* be operated (opened or closed) when the ignition key is turned to the ''off'' position and the left front (driver) door is opened.

Ford supported its application for inconsequential noncompliance with the following:

''In the affected Villager and Quest vehicles, it is likely that as long as the driver's door has not been opened, an adult (the driver) would remain present in the vehicle to supervise any children because a driver would exit the vehicle through the driver's door under all but the most extraordinary circumstances. As previously noted, the power window operation is canceled when the driver door is opened—the door through which the operator would be expected to exit the vehicle—thus eliminating any potential risk associated with operation of the power windows by unsupervised children remaining in the vehicle. In addition, the design of the front door power window control switches located on the door arm rests is such that closing these windows requires the switch to be pulled up and held. Further the switches are recessed in a cavity below the switch assembly surface. The intent of these design features is to minimize the chance of unintentional activation of power window closing that could, with other switch design configurations, result from a child leaning or resting a foot on the switch. An additional feature that minimizes the potential risk of injury to unsupervised children in the affected vehicles is that no power window switch controls are located in the rear seat positions, and the control switches for the third row seat optional power quarter windows are located in an overhead console in the front passenger compartment, relatively out of sight. In addition to the items cited above to mitigate the risk of injury, the Villager and Quest owner guides warn against leaving children unattended in the vehicle, specifically warn of the potential danger of children playing with the vehicle's power windows, and identify the fact that the accessory delay feature allows the power windows to be operated for a fifteen minute period after the ignition is turned off or until the driver door is opened.

''Neither Ford or Nissan are aware of any field or owner reports or allegations of injuries related to this condition. We [Ford] believe the likelihood of unsupervised children left in one of the affected vehicles being exposed to injury during the fifteen minute period after the ignition key has been turned off and a driver has exited the vehicle through other than the driver's door is very remote, and therefore the noncompliance presents no reasonably anticipated risk to motor vehicle safety. We [Ford] request that the agency find this condition to be inconsequential to motor vehicle safety, and accordingly that Ford and Nissan be exempted from the notice and remedy requirements of the Code. The agency recently granted a petition from Volkswagen of America, Inc., as documented in Federal Register, Volume 60, page 48197, (September 18, 1995), for vehicles with power windows

operating in a manner similar to the affected Villagers and Quests.''

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, D.C. 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: November 27, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: October 23, 1996.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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