

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Tweed-New Haven Airport, New Haven, CT**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tweed-New Haven Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before May 24, 2001.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Priscilla Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Edwin V. Selden, Executive Director for the Tweed-New Haven Airport Authority at the following address: Tweed-New Haven Airport, 155 Burr Street, New Haven, Connecticut, 06512.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Tweed-New Haven Airport Authority under § 158.23 of part 158 of the Federal Aviation Regulations.

**FOR FURTHER INFORMATION CONTACT:** Priscilla A. Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (781) 238-7614. The application may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tweed-New Haven Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget

Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 3, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Tweed-New Haven Airport Authority was substantially complete within the requirements of § 158.25 of part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in whole or in part, no later than July 17, 2001.

The following is a brief overview of the impose and use application.

*PFC Project #:* 01-02-C-00-HVN.

*Level of the proposed PFC:* \$4.50.

*Proposed charge effective date:* October 1, 2001.

*Estimated charge expiration date:* November 1, 2007.

*Estimated total net PFC revenue:* \$1,963,265.

*Brief description of projects:*

Impose and use:

Construct an Airport Rescue and Fire Fighting Building

Conduct an Airport Master Plan Update  
Construct Taxiway "B" and Runway 2-20 Safety Areas (Permitting)

Reconstruct a Portion of Runway 14-32  
Purchase Snow Removal Equipment  
Terminal Apron Glycol Recovery System Study

Obstruction Removal—Phase I Analysis and Plan

Impose:

Land Acquisition—Runway Protection Zone

Construct Taxiway "B" and Runway 2-20 Safety Areas

Install Perimeter Fencing  
Rehabilitate Runway 2-20

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Tweed-New Haven Airport, 155 Burr Street, New Haven, Connecticut 06512.

Issued in Burlington, Massachusetts on April 5, 2001.

**Vincent A. Scarano,**

*Manager, Airports Division, New England Region.*

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**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket Number: MARAD-2001-9465]

**Requested Administrative Waiver of the Coastwise Trade Laws**

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MYSTIC DREAM.

**SUMMARY:** As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

**DATES:** Submit comments on or before May 24, 2001.

**ADDRESSES:** Comments should refer to docket number MARAD-2001-9465. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dms.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-2307.

**SUPPLEMENTARY INFORMATION:** Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR section 1.66, Delegations to the Maritime Administrator, as amended.

By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD'S regulations at 46 CFR part 388.

#### **Vessel Proposed for Waiver of the U.S.-build Requirement**

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* MYSTIC DREAM. *Owner:* Thomas and Anne Foley.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* "Net Weight is 24,000 lbs., length is 44 feet, width is 13.5 feet, draft is 4 feet, capacity is 6 passengers."

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* We are starting a private Bed & Breakfast on the water." "The Keys from Homestead, FL to Key West, FL including Dry Tortugas."

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1989. *Place of construction:* Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* "This is a fairly unique concept, as there does not seem to be any competition. There are many fishing snorkel and diving charter boats but none for a Bed & Breakfast."

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* "There should be no effect on U.S. shipyards or marinas other than to give them income for maintenance."

Dated: April 18, 2001.

By Order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

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**BILLING CODE 4910-81-P**

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

[Docket No. NHTSA-2000-7139; Notice 2]

#### **Decision that Nonconforming 1999-2000 Mercedes Benz Gelaendewagen Multi-Purpose Passenger Vehicles are Eligible for Importation**

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

**ACTION:** Notice of decision by NHTSA that nonconforming 1999-2000 Mercedes Benz Gelaendewagen multi-purpose passenger vehicles (MPVs) are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1999-2000 Mercedes Benz Gelaendewagen MPVs not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** This decision is effective as of the date of its publication in the **Federal Register**.

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under 49 U.S.C. section 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. section 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. section 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**.

J.K. Technologies (formerly J.K. Motors) of Baltimore, Maryland ("J.K.") (Registered Importer 90-006) petitioned NHTSA to decide whether 1999-2000 Mercedes Benz Gelaendewagen MPVs are eligible for importation into the United States. NHTSA published notice of the petition on July 19, 2000 (65 FR 44848) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

J.K. petitioned the agency to decide that the 1999-2000 Mercedes Benz Gelaendewagen is eligible for importation under 49 U.S.C. section 30141(a)(1)(A) on the basis that those vehicles are substantially similar to motor vehicles of the same model year that were originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. section 30115. The substantially similar motor vehicles identified in the petition were 1999-2000 Mercedes Benz Gelaendewagens that were manufactured for importation into, and sale in, the United States, and certified by Europa International, Inc. ("Europa"), as conforming to all applicable Federal motor vehicle safety standards prior to their importation into the United States.

The notice of petition explained that in March 1998, Daimler Benz, A.G., as the company was then known, provided a letter of understanding to Europa under which Gelaendewagens manufactured in Graz, Austria, would be produced to Europa's specifications, and then shipped to a Mercedes facility in Germany for installation of additional electronic equipment (OBD II) needed to effect compliance with Federal emissions control requirements. DaimlerChrysler A.G. modified the letter of understanding in December 1999 to state that incomplete vehicles, for which it would make no representation of compliance, would be sent to the German facility for completion. At the end of either process, Europa certifies compliance