

element of many government human space flight systems for the purpose of enhancing occupant safety. We will discuss the following questions from a regulatory perspective:

- a. Is an abort system a part of fault tolerance?
- b. Does an abort only apply to the launch/ascent phase, or does it apply to other flight phases as well?
- c. Should certain types of orbital or suborbital vehicle designs require a launch abort system?
- d. What should the reliability requirements be for an abort system?
- e. Is it acceptable to have a different level of care for occupants during an abort?

(3) *Fault Tolerance, Margin, and Reliability*. To allow for industry innovation, the commercial human space flight industry wishes to be free to the maximum extent possible to choose between fault tolerance, design margin, and reliability. We will explore the extent of this desire from a regulatory perspective with the following questions:

- a. What would be an acceptable rationale at a functional level for a choice of fault tolerance, design margin, or high reliability to protect the safety of spacecraft occupants?
- b. What is the minimum level of fault tolerance? Is it different for orbital vs. suborbital?
- c. When is occupant risk high enough to necessitate additional fault tolerance?
- d. What determines whether fault tolerance is handled at the function level or system level?

Interested members of the public may submit relevant written statements for the COMSTAC working group members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Paul Eckert, DFO, (the Contact Person listed below) in writing (mail or email) by November 6, 2012, for the November 13 teleconference, December 11, 2012, for the December 18 teleconference, and January 8, 2013, for the January 15 teleconference. This way the information can be made available to COMSTAC members for their review and consideration before each teleconference. Written statements should be supplied in the following formats: One hard copy with original signature or one electronic copy via email. The FAA may schedule up to 6 more teleconferences in the coming months to allow the U.S. commercial

space transportation industry to share views with the FAA on a number of specific topics related to commercial human space flight safety.

An agenda will be posted on the FAA Web site at <http://www.faa.gov/go/ast> and http://www.faa.gov/about/office_org/headquarters_offices/ast/COMSTAC_working_group/

Individuals who plan to participate and need special assistance should inform the Contact Person listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Paul Eckert (AST-5), Office of Commercial Space Transportation (AST), 800 Independence Avenue SW., Room 331, Washington, DC 20591, telephone (202) 267-8655; Email paul.eckert@faa.gov. Complete information regarding COMSTAC is available on the FAA Web site at: http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.

Issued in Washington, DC, October 16, 2012.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0148, Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1991 Mercedes-Benz G-Class (463 Chassis) Multi-Purpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1991 Mercedes-Benz G-class (463 chassis) multi-purpose passenger vehicles (MPVs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) 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: The closing date for comments on the petition is November 26, 2012.

ADDRESSES: Comments should refer to the docket and notice numbers above

and be submitted by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Mail:** Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery or Courier:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

How To Read Comments Submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>.

Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS 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**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (WETL) (Registered Importer 90–005) has petitioned NHTSA to decide whether nonconforming 1991 Mercedes-Benz G-class (463 chassis) MPVs are eligible for importation into the United States. WETL believes these vehicles are capable of being modified to meet all applicable FMVSS.

In its petition, WETL noted that over a period of years, NHTSA has granted import eligibility to a number of Mercedes-Benz G-class (a.k.a., Gelaendewagen) vehicles based on the 463 chassis. These include long wheel base (LWB) and short wheel base (SWB) models as well as cabriolet, 3 door, and other body versions of the vehicle (assigned vehicle eligibility numbers VCP–11, 15, 16, and 18). These eligibility decisions were based on petitions submitted by several Registered Importers (RIs) who claimed that the vehicles were capable of being altered to comply with all applicable FMVSS.

Because those vehicles were not manufactured for importation into and sale in the United States, and were not certified by their original manufacturer (Daimler Ag), as conforming to all applicable FMVSS, they cannot be categorized as “substantially similar” to the vehicle that is the subject of the instant petition for the purpose of establishing import eligibility of that

vehicle under 49 U.S.C. 30141(a)(1)(A). Therefore, the agency will consider WETL’s petition as a petition pursuant to 49 U.S.C. 30141(a)(1)(B).

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 1991 Mercedes-Benz G-class (463 chassis) MPVs conform to many FMVSS and are capable of being altered to comply with all other standards to which they were not originally manufactured to conform.

Specifically, the petitioner claims that non-U.S. certified 1991 Mercedes-Benz G-class (463 chassis) MPVs, as originally manufactured, conform to: Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic and Electric Brake Systems*, 106 *Brake Hoses*, 113 *Hood Latch System*, 116 *Motor Vehicle Brake Fluids*, 119 *New Pneumatic Tires*, 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*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the vehicles are capable of being altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: Replacement of the instrument cluster with a U.S.-model component.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: If the vehicle is not already so equipped, installation of U.S.-model: (a) Headlamps; (b) front and rear side marker lamps; (c) tail lamp lenses; and (d) front turn signal lamps.

Standard No. 111 *Rearview Mirrors*: Installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection*: Installation of software to reprogram the system to comply.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems*: Inspection of each vehicle and reprogramming or rewiring of the power operated window system.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars*: Installation of a tire and rim information placard.

Standard No. 206 *Door Locks and Door Retention Components*: Replacement of door latch system components with U.S.-model components.

Standard No. 208 *Occupant Crash Protection*: Reprogramming the software for the seat belt warning system to meet the requirements of this standard.

The petitioner also stated that the vehicles are equipped with self-tensioning combination lap and shoulder belts that release by use of a single red push button at both front and rear outboard seating positions. The vehicle is equipped with a driver’s-side airbag (passive restraint system).

Standard No. 209 *Seat Belt Assemblies*: Replacement of the passenger side seat belt with a U.S.-model component on vehicles that are not already so equipped.

Standard No. 301 *Fuel System Integrity*: Modification of the fuel vapor system to meet the EPA Onboard Refueling Vapor Recovery (ORVR) and the evaporative emissions requirements, which include installing a rollover and check valve to meet the requirements of this standard.

In addition, the petitioner states that a vehicle identification number plate must be installed in the area of the left windshield post to meet the requirements of 49 CFR Part 565 if the vehicle is not already so equipped.

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 addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Issued on: October 22, 2012.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
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