

Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

(b) The airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by a socially and economically disadvantaged individual (as defined in section 47113(a) of title 49, U.S.C.) or qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act). In taking this action, the airport owner or operator will be subject to the requirements of 49 CFR Part 23 or subsequent regulations issued by the Secretary to implement section 47107(e) of Title 49, U.S.C.

These proposed assurances will be issued pursuant to the authority of title 49, U.S.C.

Upon acceptance of the Airport Improvement Program (AIP) grant by an airport sponsor, the assurances become a contractual obligation between the airport sponsor and the Federal government.

Dated: Issued in Washington, DC, on August 13, 2004.

**Dennis E. Roberts,**

*Director, Office of Airport Planning and Programming.*

[FR Doc. 04-19378 Filed 8-23-04; 8:45 am]

**BILLING CODE 1505-01-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### **Proposed Policy Statement: Proposed Change to the Airworthiness Criteria for Airworthiness Certification of Normal Category Airships; FAA Document FAA-P-8110-2; PS-ACE100-2004-10033**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces the availability of and requests comments on FAA document number FAA-P-8110-2, Airship Design Criteria, (ADC) at Change 2. The ADC is suitable for the type certification of airships in the normal category, with a seating capacity of nine seats or less, excluding pilots. This notice advises the public, and especially manufacturers and potential manufacturers of normal category airships, that the FAA intends to develop Change 3 for this document.

**DATES:** Comments must be received on or before December 22, 2004.

**ADDRESSES:** Copies of the current Airship Design Criteria, FAA Document FAA-P-8110-2, PS-ACE100-2004-10033, may be requested from the following: Small Airplane Directorate, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. These airworthiness criteria are also available on the Internet. These criteria will be posted in the Regulations and Guidance Library at the following address <http://www.airweb.faa.gov/policy>. Send all comments concerning the proposed Change 3 of the airworthiness criteria for normal category airships to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

#### **FOR FURTHER INFORMATION CONTACT:**

Mike Reyer or Karl Schletzbaum, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE-111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4131 (M. Reyer); or (816) 329-4146 (K. Schletzbaum); fax: (816) 329-4090; e-mail: [karl.schletzbaum@faa.gov](mailto:karl.schletzbaum@faa.gov).

#### **Discussion**

##### *Background*

Comments received may be utilized to develop Change 3 for the ADC. This notice includes the Airship Design Criteria at Change 2 as issued on February 5, 1995. Since the issuance of Change 2 of the ADC, the FAA has received various inputs relating to revising or improving these criteria, but these inputs have not been incorporated into the document yet. Some of these recommendations may have been unsolicited and not received in the context of a formal process. Additionally, with time and the rapid change of technology since the last update of these criteria, some of the recommendations may not be as applicable as when they were initially proposed. We also believe that the structure of the industry affected has changed substantially since the receipt of many of the comments. Considering these factors, we decided to not include any of the proposed changes to the ADC in this notice but to solicit new, additional, or revised comments from the current active airship industry. This notice includes the ADC at Change 2 as issued on February 5, 1995, as a reference document for commenters.

This notice is necessary to advise the public of the development of this proposed change to the airship

airworthiness criteria and to give all interested persons an opportunity to present their views on it.

Airships are certificated under the provisions of 14 CFR, part 21, § 21.17(b), which allows the Administrator to designate appropriate airworthiness criteria for special classes of aircraft, including airships. Designated criteria should provide a level of safety equivalent to the airworthiness regulations contained in 14 CFR, parts 23, 25, 27, 29, 31, 33, and 35. The FAA has decided that airworthiness criteria, not the issuance of actual regulations, are the most efficient and flexible method of obtaining an acceptable level of safety for normal category airships. The FAA bases this decision on the formative state of this industry and the potential for airships to develop into a larger segment of the aerospace industry. The FAA may decide to codify airship airworthiness requirements at a later time, if warranted.

These are acceptable airworthiness criteria, but not the only acceptable criteria, for certifying a normal category airship in the United States. These criteria are internationally recognized, but are not suitable for all types of airships, specifically those that have more than nine seats. Up to 19 seats, the FAA may consider some other criteria based on foreign airship airworthiness standards. For certain types of proposed large airships, the FAA has recognized the need for a transport category of airships and has noticed the German-Dutch Transport Airship Requirement (TAR) as proposed airworthiness criteria.

These proposed airworthiness criteria only apply to non-rigid airships that are capable of vertical ascent (near equilibrium) operations. These proposed airworthiness criteria do not include provisions for hybrid aircraft/airships that require or operate with significant dynamic lift. The FAA expects that modifications and additions to proposed criteria will be necessary for specific airship projects, due to the unique nature of each airship design. Comments on technology issues beyond the current criteria will be reviewed, but not necessarily incorporated.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite your comments on this proposed change to airworthiness criteria for normal category airships. Send any data or views as you may desire. Identify the airworthiness criteria Policy Statement Number PS-ACE100-2004-10033 on your

comments, and if you submit your comments in writing, send two copies of your comments to the above address. The Small Airplane Directorate will consider all communications received on or before the closing date for comments. We may change the proposal contained in this notice because of the comments received.

Comments sent by fax or the Internet must contain "Comments to proposed policy statement PS-ACE100-2004-10033" in the subject line. You do not need to send two copies if you fax your comments or send them through the Internet. If you send comments over the Internet as an attached electronic file, format it in Microsoft Word. State what specific change you are seeking to the proposed policy statement and include justification (for example, reasons or data) for each request.

Issued in Kansas City, Missouri, on August 12, 2004.

**John R. Colomy,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 04-19366 Filed 8-23-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18451; Notice 2]

#### Michelin North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin) has determined that certain tires it manufactured in 2004 do not comply with S6.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of the petition was published, with a 30-day comment period, on July 6, 2004, in the **Federal Register** (69 FR 40716). NHTSA received no comments.

Michelin produced approximately 278 Uniroyal Laredo HD/H Load Range D size LT215/85R16 tires during the period from March 30, 2004 to April 30, 2004 that do not comply with FMVSS No. 119, S6.5(f). These tires were marked "tread plies: 2 polyester + 2 steel + 1 nylon; sidewall plies: 2 polyester." They should have been

marked "tread plies: 2 polyester + 2 steel; sidewall plies: 2 polyester."

S6.5(f) of FMVSS No. 119 requires that each tire shall be marked on each sidewall with "the actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area."

Michelin believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Michelin asserts that the tires meet or exceed all performance requirements of FMVSS No. 119, and that the noncompliance has no effect on the performance of the tires or motor vehicle safety. Michelin also states that, because the tire sidewalls are not of steel cord construction, but are actually polyester, there is no potential safety concern for people working in the tire retreat, repair, and recycling industries.

The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act (Pub. L. 106-414) required, among other things, that the agency initiate rulemaking to improve tire label information. In response, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222).

The agency received more than 20 comments on the tire labeling information required by 49 CFR 571.109 and 119, Part 567, Part 574, and Part 575. In addition, the agency conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire labeling beyond the tire brand name, tire size, and tire pressure.

Based on the information obtained from comments to the ANPRM and the consumer focus groups, we have concluded that it is likely that few consumers have been influenced by the tire construction information (number of plies and cord material in the sidewall and tread plies) provided on the tire label when deciding to buy a motor vehicle or tire.

Therefore, the agency agrees with Michelin's statement that the incorrect markings in this case do not present a serious safety concern.<sup>1</sup> There is no effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. In the agency's judgment, the incorrect labeling of the

<sup>1</sup> This decision is limited to its specific facts. As some commenters on the ANPRM noted, the existence of steel in a tire's sidewall can be relevant to the manner in which it should be repaired or retreated.

tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in the tire. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 119 and all other informational markings as required by FMVSS No. 119 are present. Michelin has corrected the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Michelin's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: August 19, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-19379 Filed 8-23-04; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

August 17, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before September 23, 2004 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-1618.

*Form Number:* IRS form 8863.

*Type of Review:* Revision.

*Title:* Education Credits (Hope and Lifetime Learning Credits).

*Description:* Section 25A of the Internal Revenue Code allows for two education credits, the Hope credit and the lifetime learning credit. Form 8863 will be used to compute the amount of