

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Research, Engineering and Development Advisory Committee**

**AGENCY:** Federal Aviation Administration.

**ACTION:** Notice of meeting.

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

*Name:* Research, Engineering & Development Advisory Committee.

*Time and Date:* April 13—9 a.m. to 5 p.m.

*Place:* Federal Aviation Administration, 800 Independence Avenue, SW., Bessie Coleman Room, Washington, DC 20591.

*Purpose:* The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at (202) 267-8937 or [gloria.dunderman@faa.gov](mailto:gloria.dunderman@faa.gov). Attendees will have to present picture ID at the security desk and escorted to the Bessie Coleman Room.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on March 14, 2006.

**John Rekstad,**

*Program Manager, Research Division.*

[FR Doc. 06-2670 Filed 3-20-06; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Policy Statement Number PS-ACE100-2005-10039]

**Standardization and Clarification of Application of 14 CFR Part 23, §§ 23.1301 and 23.1309, Regarding Environmental Qualification**

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

**ACTION:** Notice of issuance of policy statement.

**SUMMARY:** This notice announces the issuance of a Federal Aviation

Administration (FAA) policy. The policy standardizes and clarifies the FAA application of 14 CFR part 23, sections 23.1301 and 23.1309, Amendment 23-41 or later for environmental qualification. This notice is necessary to advise the public, especially manufacturers of normal, utility, and acrobatic category airplanes, and commuter category airplanes and their suppliers, that the FAA has adopted the policy.

**DATES:** Policy statement PS-ACE100-2005-10039 was issued by the Manager of the Small Airplane Directorate on February 16, 2006.

*How to Obtain Copies:* A paper copy of the policy statement may be obtained by writing to the following: Small Airplane Directorate, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. The policy statement will also be available on the Internet at the following address [http://www.faa.gov/regulations\\_policies/](http://www.faa.gov/regulations_policies/).

**FOR FURTHER INFORMATION CONTACT:** Ervin Dvorak, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE-111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (316) 329-4123; fax: 816-329-4090; e-mail: [erv.dvorak@faa.gov](mailto:erv.dvorak@faa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

We announced the availability of the policy statement on December 8, 2005 (70 FR 73059). We revised the policy in response to the comments, and the policy has been adopted.

Issued in Kansas City, Missouri on March 10, 2006.

**Kim Smith,**

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

[FR Doc. E6-4022 Filed 3-20-06; 8:45 am]

**BILLING CODE 4910-13-P**

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

[Docket No. 2006 24165]

**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 PROTECTOR.

**SUMMARY:** As authorized by Public Law 105-383 and Public Law 107-295, 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 brief description of the proposed service, is listed below. The complete application is given in DOT docket 2006-24165 at <http://dms.dot.gov>. 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, in accordance with Public Law 105-383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), 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 in that business, a waiver will not be granted. 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 § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before April 20, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD 2006 24165. 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://dmses.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:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel PROTECTOR is:

*Intended Use:* "Sightseeing along the east coast of Hawaii Islands for not more than twelve passengers."

*Geographic Region:* Pacific Ocean, east coast of Hawaii Island between Upolu Point and Ka Lae Point, not more than five miles offshore.

Dated: March 10, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. E6-4020 Filed 3-20-06; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-23684; Notice 2]

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

Continental Tire North America, Inc. (Continental Tire) has determined that certain tires it produced in 2004 and 2005 do not comply with the labeling requirements specified in S5.5(d) of 49 CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139, "New pneumatic radial tires for light vehicles." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Continental Tire 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 a petition was published, with a 30-day comment period, on January 31, 2006, in the **Federal Register** (71 FR 5116). NHTSA received no comments.

Affected are a total of approximately 2,500 model 235/85R16 C Grabber TR tires manufactured in 2004 and 2005. S5.5(d) of FMVSS No. 139 requires that each tire must be marked on each sidewall with the maximum load rating. The noncompliant tires are marked on the sidewall "max load single 1380 kg (3042 lbs)" whereas the correct marking should be "max load single 1400 kg (3085 lbs)." Continental Tire has corrected the problem that caused these errors so that they will not be repeated in future production.

Continental Tire believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Continental Tire states,

All other sidewall identification markings and safety information is correct. A consumer acting on the incorrect information would underload the vehicle by 20 kg per tire. This incorrect load capacity molding does not affect the safety, performance and durability of the tire; the tire was built as designed.

The agency agrees with Continental Tire's statement that the mismarking does not present a serious safety concern. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that 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 will have an inconsequential effect on motor vehicle safety because, as Continental Tire states, a consumer acting on the incorrect information would underload the vehicle by 20 kg per tire which does not present a safety issue. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 139, which is a compliance option for these tires. All other informational markings as required by FMVSS No. 139 are present.

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, Continental Tire'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: March 14, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6-4019 Filed 3-20-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-23553; Notice 2]

#### Pacific Coast Retreaders, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Pacific Coast Retreaders, Inc. (Pacific Coast) has determined that certain tires that it imported do not comply with S6.5(b) of 49 CFR 571.119, 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), Pacific Coast 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 a petition was published, with a 30-day comment

period, on January 19, 2006, in the **Federal Register** (71 FR 3152). NHTSA received no comments.

Affected are a total of approximately 780 tires produced in March 2005 by Linglong Rubber Company in China and imported by Pacific Coast in April 2005. One requirement of S6.5 of FMVSS No. 119, tire markings, is that the tire identification shall comply with 49 CFR part 574, "Tire Identification and Recordkeeping," which includes the marking requirements of 574.5(b) DOT size code. The subject tires are missing the required tire size code. Pacific Coast has corrected the problem that caused these errors so that they will not be repeated in future production.

Pacific Coast believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Pacific Coast explains that, as a result of mold cleaning and repair, some of the tire size code symbols were not restamped after repair, and worn symbols were not re-traced. Pacific Coast states that "the tire size is embossed in very larger (sic) raised characters on both sidewalls and [is] easily identifiable from a great distance." The petitioner states that as a result, there is no confusion as to the tire size.

NHTSA agrees with Pacific Coast that the noncompliance is inconsequential to motor vehicle safety. As Pacific Coast points out, the tires do have markings which provide the correct size. Therefore, there should be no confusion by the user of this information.

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, Pacific Coast'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: March 14, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6-4018 Filed 3-20-06; 8:45 am]

**BILLING CODE 4910-59-P**