Notice issued by the Department of Transportation on August 26, 2005

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 05–19700 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 33.4–3, Instructions for Continued Airworthiness; Aircraft Engine High Intensity Radiated Fields (HIRF) and Lightning Protection Features

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 33.4–3, Instructions for Continued Airworthiness; Aircraft Engine High Intensity Radiated Fields (HIRF) and Lightning Protection Features. This AC sets forth acceptable methods of compliance for aircraft engines with the provisions of § 33.4, Instructions for Continued Airworthiness of Title 14 of the Code of Federal Regulations (14 CFR). This AC provides guidance for developing instructions for continued airworthiness to ensure the continued airworthiness of aircraft engine HIRF and Lightning protection features.

DATES: The Engine and Propeller Directorate issued Advisory Circular 33.4–3 on September 16, 2005.

FOR FURTHER INFORMATION CONTACT: The Federal Aviation Administration, Attn: Gary Horan, Engine and Propeller Standards Staff, ANE–111, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7164; fax: (781) 238–7199; e-mail: *gary.horan@faa.gov.*

We have filed in the docket all substantive comments received, and a report summarizing them. If you wish to review the docket in person, you may go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to contact the above individual directly, you can use the above telephone number or e-mail address provided.

How to Obtain Copies: A paper copy of AC 33.4–3 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341 Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The AC will also be available on the Internet at *http://www.faa.gov/*, select ''Regulations and Policies'' then the link titled ''Advisory Circulars.''

(Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704)

Issued in Burlington, Massachusetts, on September 16, 2005.

Fran A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–19598 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review, Request for Comments; Clearance of a New Information Collection Activity, Air Carriers Listing of Leading Outsource Maintenance Providers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FAA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection. The FAA will use the data from the proposed collection to target those leading outsource maintenance providers that may have a higher risk level which in turn would merit an increase of FAA surveillance.

DATES: Please submit comments by October 17, 2005.

FOR FURTHER INFORMATION CONTACT: Judith D. Street, 202–267–9895, *Judy.Street@faa.gov*, ABA–20, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Air Carriers Listing of Leading Outsource Maintenance Providers.

Type of Request: Approval for an emergency clearance of a new collection.

OMB Control Number: 2120–xxxx.

Form(s): Quarterly Outsource Maintenance Providers Utilization Report.

Affected Public: A Total of 121 Aircraft Operators.

Frequency: This information will be collected quarterly.

Estimated Average Burden Per Response: 6 minutes.

Estimated Annual Burden Hours: An estimated 48 hours annually.

Abstract: The data from this report will be used to target those leading outsource maintenance providers that may have a higher risk level which in turn would merit an increase of FAA surveillance.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on September 27, 2005.

Judith D. Street,

FAA Information Collection Clearance Officer, Information Systems and Technology Services Staff, ABA–20.

[FR Doc. 05–19743 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2005–20105]

Announcement of Establishment of the Federal Motor Carrier Safety Administration Medical Review Board; Request for Nominations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of establishment of the FMCSA Medical Review Board; request for nominations.

SUMMARY: FMCSA announces the establishment of a Medical Review Board as requested by the recent passage of Safe, Accountable, Flexible, and Efficient Transportation Equity Act; A Legacy for Users (SAFETEA–LU). The Medical Review Board will provide scientific advice to The Secretary of Transportation and the Administrator of FMCSA on medical issues including the physical qualification requirements for commercial motor vehicle (CMV) operators. This announcement provides

details about the purpose and functions of the FMCSA Medical Review Board, in accordance with the Federal Advisory Committee Act (FACA). This notice also discusses the Agency's medical research priorities and solicits applications from interested physicians to serve on the Medical Review Board. The Secretary of Transportation will appoint five physicians to the Medical Review Board, and the board will begin work in fiscal year 2006.

DATES: Applications must be received by October 30, 2005. FMCSA will periodically call for applications as deemed necessary.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Office of Bus and Truck Standards and Operations, Physical Qualifications Division, 202–366–4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

The physical qualification regulations for CMV drivers in interstate commerce are found in 49 CFR 391.41. Section 391.43 contains instructions to medical examiners for performing physical examinations of CMV drivers. FMCSA medical standards and guidelines are critical medical program components in accomplishing FMCSA's mission to reduce crashes, injuries, and fatalities involving large trucks and buses.

The Agency has current statutory authority under 49 U.S.C. 31502 and 31136 to determine the physical qualifications of interstate CMV drivers. Congress passed the SAFETEA–LU of 2005 (Pub. L. 109–59), Section 31149 requires FMCSA to establish the Medical Review Board to provide scientific advice on matters related to CMV driver health and safety.

II. Medical Review Board Charter [This Is the Text of the Medical Review Board Charter That DOT/FMCSA Has Filed With the General Services Administration]

(a) Purpose

This charter establishes the Federal Motor Carrier Safety Administration Medical Review Board Advisory Committee (Medical Review Board) and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), DOT Order 1120.3B, and the requirements prescribed in Title 41, Code of Federal Regulations Part 102–3 and Title 49, Code of Federal Regulations, Part 95. The purpose of the FMCSA Medical Review Board is to establish a nationally recognized standing board of medical experts to provide scientific advice to FMCSA on ongoing medical issues, including identification of appropriate physical qualifications of commercial motor vehicle drivers, medical standards and guidelines, educational curriculum for training medical examiners who certify drivers meet the physical qualification standards, and functional tests for drivers with certain disabilities. The Medical Review Board will be charged initially with the review of all current FMCSA medical standards, as well as proposing new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in 49 CFR 390.5, are physically capable of doing so.

(b) Scope

The FMCSA Medical Review Board provides information, advice and recommendations to the Secretary of Transportation and the Administrator of FMCSA on matters relating to all aspects of development and implementation of science-based physical qualification standards applicable to interstate CMV drivers. The Medical Review Board does not hold regulatory development responsibilities, manage programs or make decisions affecting such programs. The Medical Review Board provides a forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective.

(c) Objectives and Duties

Consistent with the scope of activities described above, the Medical Review Board is authorized to:

1. Undertake such information gathering activities as necessary to define issues for consideration by the Medical Review Board, develop positions on those issues, and communicate the Medical Review Board's position thereon to the Secretary of Transportation and the Administrator of FMCSA;

2. Provide FMCSA with ongoing medical expertise to shape decisions about the health and wellness of CMV drivers, including physical qualifications, medical advisory criteria and safety research;

3. Advise FMCSA on the development of uniform driver physical qualification (medical) standards and CMV driver health and wellness;

4. Advise FMCSA on the development of scientific guidelines, criteria, and procedures to facilitate implementation of the physical qualification standards by qualified medical examiners;

5. Provide advice and recommendations for the development of a functional capacity test for individuals with certain impairments;

6. Provide advice on conduct and conclusions of FMCSA medical research and on policies or issues related to CMV driver physical qualifications standards; and

7. Provide advice and recommendations for the establishment and maintenance of medical examiner training and certification processes.

(d) Designated Federal Officer and Sponsor

The Designated Federal Officer (DFO) for this advisory committee and its subcommittees is the Associate Administrator, Policy and Program Development, or his or her designee. The Committee sponsor is the Director, Office of Bus and Truck Standards and Operations, or his or her designee. FMCSA's Office of Bus and Truck Standards and Operations shall furnish support services for the operation of the Medical Review Board. The DFO shall designate the facilitator of the Medical Review Board, who shall be an FMCSA employee.

(e) Membership

The Medical Review Board shall be composed of 5 non-Federal Government employee members, each of whom shall be appointed by the Secretary of Transportation upon the recommendation of the Administrator of FMCSA. The members serve in a representative capacity, and are not special government employees. Criteria for appointment include: Medical expertise in a medical specialty, an understanding of research methods, knowledge of transportation medical issues, experience on panels that develop medical standards, a record of scientific collaboration and professional service, and experience developing teaching programs. Medical specialties include, but will not be limited to, Cardiovascular and Cerebrovascular Diseases, Endocrine Diseases, Injury, Medicolegal Issues, Neurological Disorders, and Psychiatric Diseases. The facilitator acts as chairperson and impartial mediator to assist in reconciling opposing interests and points of view among committee members.

(f) Appointments

Each member shall be appointed for a two-year term, with each member eligible for reappointment, based on FMCSA's needs and any medical

standards research in progress at the time. After the first two years, the terms shall be staggered, with three positions expiring after one year (subject to a two year renewal) and two positions expiring after two years (subject to a two year renewal). The Medical Review Board will operate continuously with 5 active members. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve out the predecessor's term. Notwithstanding the above, the Secretary or his or her designee may terminate a member at his or her discretion.

(g) Meetings

The DFO anticipates calling Medical Review Board meetings at least three times each fiscal year (excluding the initial year). The agenda for all meetings shall be set by the DFO. The following procedures shall govern the conduct of all FMCSA Medical Review Board meetings:

Meetings shall be open to the general public, except as provided under FACA. Interested persons shall be permitted to attend, appear before, or file statements with the Medical Review Board, as practicable.

Notice of each meeting shall be published in the **Federal Register** at least 15 calendar days prior to the date of the meeting. Notice shall include the agenda.

The DFO or designee shall attend and preside at each meeting.

The DFO or designee shall adjourn any meeting when he or she determines it to be in the public interest.

Detailed minutes of each meeting shall be certified by the DFO and maintained by the sponsor. The minutes shall contain:

1. The date, time, and place of the meeting;
2. A record of all attendees at the meeting;
3. A complete and accurate description of all matters discussed and conclusions reached;
4. Copies of all reports received, issued, or approved by the Committee; and
5. A description of public participation, including oral or written statements.

The minutes, as certified, shall be available for public inspection and copying in the office of the sponsor. Public availability of minutes or other documents received or generated by the Committee are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act (5 U.S.C. 552).

(h) Travel and Expenses

Committee members are not officers or employees of the Federal Government and, while attending meetings or otherwise engaged in the business of the Committee, are authorized travel and subsistence or per diem allowances (as appropriate) in accordance with Federal Government regulations. All travel by individual members when engaged in official Committee business shall be approved in advance by the DFO, and arranged and funded by the sponsor.

(i) Estimated Cost and Support

The estimated annual direct operating cost of the Medical Review Board is $96,596.00, which includes travel and subsistence costs of members, printing and miscellaneous costs. The amount of person hours to support the Medical Review Board is an estimated 5,200 per year.

(j) Report to the Secretary

Within 90 days following the last meeting of each fiscal year, the DFO shall submit to the Secretary and the FMCSA Administrator an annual report describing the Committee's membership, activities, and accomplishments for the past calendar year. The DFO shall provide the Secretary and FMCSA Administrator with any interim reports as requested. The DFO may direct the committee to prepare these and any other reports.

(k) Effective Date

The charter was filed on September 20, 2005. The Medical Review Board will terminate two years after this date unless prior to that time the charter is extended in accordance with FACA and other applicable requirements.

III. Research Decision Model

The prioritization of FMCSA medical standards review and development work will be based on a scientific grid analysis model. This decision model scores the relevance of a selected medical standard or guideline (or absence of standard or guideline) using five factors. These five factors, calculated using a weighted calculation method, are: Crash risk (direct measurable risk for CMV crash); Departmental and Agency priorities (e.g., legal requirement); age of guidelines; adequacy of guidance (for selected medical topic); and epidemiologic prevalence in general population (or in CMV driver population if available).

The Agency has developed the initial schedule for medical standards and guidelines review and development, and will direct the Medical Review Board to evaluate the review and development schedule on a semi-annual basis. These scientific reviews will be comprehensive or expedited. Preliminary schedule of medical research topics, based on the research decision model, follows:

Quarter 1 2006—Drug/Alcohol (comprehensive); Diabetes Mellitus (expedited)
Quarter 2 2006—Sleep; Neurology (comprehensive); Cardiovascular (expedited)
Quarter 3 2006—Musculoskeletal (comprehensive); Vision (expedited)
Quarter 4 2006—Psychiatry; Renal (comprehensive); Infectious Disease (expedited)
Quarter 1 2007—Injury (comprehensive); Hearing; Post Surgical (expedited)
Quarter 2 2007—Medicolegal; Pulmonary comprehensive)

The decision model details and schedule of research activities will be made available to the public, in accordance with FACA.

IV. Request for Applications

FMCSA seeks physicians from many different medical specialties to develop science-based CMV physical qualification standards, medical advisory criteria and safety policies. As members of the Agency's first Medical Review Board, physicians will provide expert guidance on medical guidelines and standards. The Agency is committed to appointing physicians with diverse professional backgrounds, as well as a broad array of gender, ethnicity, demographic and socioeconomic factors. To be eligible for appointment, physicians must have a current U.S. medical license and current board certification in a specialty area directly related to medical certification requirements, be able to attend three to four meetings a year in Washington, DC and via teleconference, and spend approximately five hours per month providing additional consultation. Interested physicians should have a commitment to transportation safety and health, an understanding of research methods, knowledge of transportation medical issues, experience on panels that develop medical standards, a record of collaboration and professional service, and experience developing teaching programs. For application information, please contact Laurie Conly at 571–633–0152, or via e-mail at *contactmrb@fmcsa.dot.gov.* FMCSA will accept applications through October 30, 2005, and will periodically call for

applications as the Medical Review Board work continues.

V. Conclusion

The Department and the Agency are committed to making our Nation's highways safer by ensuring CMVs are being operated by medically qualified drivers.

Issued on: September 27, 2005.

Warren E. Hoemann,

Deputy Administrator.

[FR Doc. 05–19726 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favour of relief.

Eureka & Palisade Railroad—Locomotive Number 4

[Docket Number FRA–2005–21966]

The Eureka & Palisade Railroad (EPR), a three-foot gage insular railroad, seeks a waiver of compliance from the requirements of Title 49 Code of Federal Regulations (CFR) § 230.17 One thousand four hundred seventy-two (1472) service day inspection for their locomotive number (EPR) 4. This locomotive was built by the Baldwin Locomotive Works, Philadelphia, Pennsylvania in 1875, and is one of only three remaining narrow gage ''American'' type (with a wheel arrangement of 4–4–0) steam locomotives. The others are in the Smithsonian Institute in Washington, DC (Jupiter) and the California State Railroad Museum (Sonoma). The Eureka is the only one operational.

The EPR is not engaged in general railroad transportation, providing only railroad tourist excursions on a limited schedule. The Eureka is normally on static display with limited operations on railroads, such as the Durango & Silverton Narrow Gage Railroad for special events such as their ''Railfest''.

This waiver requests relief from the requirements of 49 CFR part 230 Inspection and Maintenance Standards for Steam Locomotives, specifically 49 CFR 230.17(a) General. FRA requires that before any steam locomotive is initially put in service or brought out of retirement, and after every 1472 service days or 15 years, which ever is earlier, a 1472 Service day inspection shall be performed. In the Eureka's case, only 126 service days have accumulated over the past 15 years, as the locomotive is only used one or two weeks per year. The locomotive is given the required annual inspections, stored in side a building, with the washout plugs removed to promote airflow and mitigate rust and wastage. The required new FRA Form 4 (boiler specification) was prepared, and is on file with the FRA. The thickness of the sheets was verified using non-destructive inspection methods, and a new front tube sheet was installed, with other minor repairs, at the time the tubes were installed.

In summary, the EPR requests that this petition be granted because the tubes have very little service time, the number 4's dry indoor storage conditions are nearly ideal for locomotive storage, and the financial burden on the individual that owns the locomotive to perform 1472 Service day inspection on a locomotive with only 126 service days since a major overhaul.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number FRA–2005–21966) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room Pl–401 (Plaza Level), 400 Seventh Street SW., Washington. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

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 (Volume 65, Number 70; Pages 19377–78). The statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC. on September 27, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–19736 Filed 9–30–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–22554; Notice 1]

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

Michelin North America, Inc. (Michelin) has determined that certain tires it produced in 2005 do not comply with S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New pneumatic tires.'' Michelin has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Michelin has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Michelin's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Michelin produced approximately 9,816 BFGoodrich Radial T/A tires during the period from February 20, 2005 through April 7, 2005 that do not comply with FMVSS No. 109, S4.3(d) and S4.3(e). S4.3 of FMVSS No. 109 requires that ''each tire shall have permanently molded into or onto both sidewalls * * * (d) The generic name of each cord material used in the plies * * * of the tire'' and ''(e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different.'' The noncompliant tires