

regulations are complex. Given the depth of interest among FTA's stakeholders and the time needed to develop an NPRM, it is clear that it will not be possible for the NPRM to be developed and issued, comments received and addressed, and a Final Rule published before the start of Fiscal Year 2007. While the existing New Starts regulation can continue to be used to govern the New Starts program, the process in place is not consistent with the simplifications intended for the Small Starts program. FTA does not feel it would be consistent with the legislative intent for this new program category to require candidate projects for funding under this category to be subject to the same level of analysis now required for New Starts projects until a Final Rule can be promulgated. Thus, FTA has developed and is hereby making available proposed Interim Guidance on Small Starts. The proposed guidance is intended to allow project sponsors to begin to develop candidate Small Starts projects for evaluation and potential funding in fiscal year 2007 and to permit projects to be evaluated for possible inclusion in the fiscal year 2008 New Starts Report, to be issued in February 2007.

In developing the proposed Interim Guidance for Small Starts, FTA's primary goal was to account for the intent of SAFETEA-LU to develop project development processes and evaluation criteria that are simpler than those required for New Starts. At the same time, FTA recognizes that there may be additional streamlining steps that may be taken as part of the rulemaking process. On the other hand, the final results of the rulemaking process cannot yet be predicted. Pending the results of that process, FTA wants to make sure that project sponsors would not be faced with a situation in which project sponsors might have to be required to go back and do additional work to comply with the requirements in the Final Rule. Thus, the Interim Guidance is largely based on the current New Starts project development and evaluation process, simplified to account for those differences that are clearly defined in SAFETEA-LU. In addition, FTA has created a sub-category of Very Small Starts projects, which by their very nature will be rated as "Medium". While FTA is seeking comment on all aspects of the Interim Guidance, in particular, FTA is interested if there are other ways to streamline the financial reporting and land use requirements and whether it is appropriate, in the interim, to evaluate economic development as an "Other

Factor". Furthermore, FTA seeks comments on its approach to using the same cost-effectiveness breakpoints that are currently applied to all New Starts projects, but adjusted upward using a nationally estimated 20-year growth forecast applied to the user benefits of the opening year to account for the additional user benefits that are expected to accrue from the project over a 20 year period. Project sponsors would not be required to submit anything other than opening year forecasts, as required by SAFETEA-LU, but projects would not be penalized by the fact that the current breakpoints were originally calculated assuming a 20 year forecast.

FTA will be exploring further simplification and process improvements both for Small Starts and New Starts as it develops the NPRM. Comments on the ANPRM, the January 19, 2006, notice, and the guidance made available by this notice will be taken into account in that process. FTA believes that the approach contained in the proposed Interim Guidance may be streamlined further in the NPRM and Final Rule. Project sponsors complying with the proposed Interim Guidance would thus be assured that they would easily comply with the Final Rule.

Although FTA is not providing a detailed summary of the comments received on the ANPRM at this time, FTA did take the comments into account in developing the proposed Interim Guidance. The proposed Interim Guidance is not intended to fully address all of the changes which may be proposed in the Final Rule. Further, the proposed Interim Guidance is being made available for comment at this time. Thus, FTA felt it was more appropriate to summarize the comment on both the original ANPRM and on this Notice when the NPRM is issued and it will summarize comments received on the proposed Interim Guidance when it is published as final in the **Federal Register**.

FTA has posted the proposed Interim Guidance on its Web site as well as in the docket for this notice. Comments should be made to the docket in accordance with the instructions provided above.

Issued in Washington, DC this 6th day of June 2006.

**Sandra K. Bushue,**

*Deputy Administrator.*

[FR Doc. E6-9030 Filed 6-8-06; 8:45 am]

**BILLING CODE 4910-57-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2006-24994]

#### 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 CONUNDRUM.

**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 2006-24994 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 July 10, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006 24994. 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 CONUNDRUM is:

*Intended Use:* "pleasure charter yacht for hire."

*Geographic Region:* Atlantic Seaboard to Virgin Islands.

Dated: June 5, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. E6-8987 Filed 6-8-06; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket Number 2006-24995]

#### 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 PHOENIX.

**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 2006-24995 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 July 10, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2006-24995. 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 PHOENIX is:

*Intended Use:* "The primary intended use of the vessel is for marine research. The vessel may also be used for incidental commercial passenger operations."

*Geographic Region:* The Gulf of Mexico region, including the states of Florida, Alabama, Mississippi, Louisiana and Texas, with also potential visits to the U.S. territories, including the Virgin Islands and Puerto Rico.

Dated: June 5, 2006.

By order of the Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. E6-8988 Filed 6-8-06; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-24323; Notice 2]

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

Volkswagen of America Inc. (Volkswagen) has determined that the designated seating capacity placards on certain vehicles that it produced in 2005

and 2006 do not comply with S4.3(b) of 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110, "Tire selection and rims." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Volkswagen 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 April 7, 2006, in the **Federal Register** (71 FR 17953). NHTSA received no comments.

Affected are a total of approximately 39 Phaeton vehicles produced between May 22, 2005 and March 8, 2006. S4.3(b) of FMVSS No. 110 requires that a "placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the \* \* \* [d]esignated seating capacity." The noncompliant vehicles have placards stating that the seating capacity is five when in fact the seating capacity is four. Volkswagen has corrected the problem that caused these errors so that they will not be repeated in future production.

Volkswagen believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Volkswagen states that consumers will look at the number of seats and safety belts to determine the vehicle's capacity. Volkswagen explains that although the rear seat capacity on the placard states three, the vehicles have only two rear seats, and the space that would be occupied by a middle-occupant position contains a center console.

Volkswagen further states that, because the rear seats do not accommodate three people, the seating capacity labeling error has no impact on the vehicle capacity weight, recommended cold tire inflation pressure, or recommended size designation information. Also, Volkswagen says that it is impossible to overload the rear seat by relying on the incorrect designated seating capacity information.

NHTSA agrees with Volkswagen that the noncompliance is inconsequential to motor vehicle safety. Although the placard states a rear seat capacity of three, a consumer can easily determine the seating capacity by looking at the number of rear seats and occupant restraints, which clearly indicate a seating capacity of two with a center console. Further, the mislabeling does not affect the vehicle capacity weight, recommended cold tire inflation