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**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

pressure, recommended tire size designation, or the potential to overload the rear seat.

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, Volkswagen'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: June 5, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6-8979 Filed 6-8-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permit Applications

**AGENCY:** Pipeline and Hazardous Materials Safety Administration, DOT.

**ACTION:** List of Application Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Ann Mazzullo, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street,

SW., Washington, DC 20590-0001, (202) 366-4535.

#### Key to "Reason for Delay"

1. Awaiting additional information from applicant.
2. Extensive public comment under review.
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis.
4. Staff review delayed by other priority issues or volume of special permit applications.

#### Meaning of Application Number Suffixes

- N—New application.  
M—Modification request.  
X—Renewal.  
PM—Party to application with modification request.

Issued in Washington, DC on June 05, 2006.

**R. Ryan Posten,**

*Chief, Special Permits Program, Office of Hazardous Materials Safety, Special Permits & Approvals.*

Application No.	Applicant	Reason for delay	Estimated date of completion
<b>New Special Permit Applications</b>			
13341-N .....	National Propane Gas Association, Washington, DC .....	3	07-31-2006
13347-N .....	Amvac Chemical Corporation, Los Angeles, CA .....	4	06-30-2006
13563-N .....	Applied Companies, Valencia, CA .....	1	07-31-2006
14184-N .....	Global Refrigerants, Inc., Denver, CO .....	4	06-30-2006
14229-N .....	Senex Explosives, Inc., Cuddy, PA .....	4	06-30-2006
14239-N .....	Marlin Gas Transport, Inc., Odessa, FL .....	1	06-30-2006
14257-N .....	Origin Energy American Samoa, Inc., Pago Pago, AS .....	4	06-30-2006
14270-N .....	Piper Metal Forming Corporation, New Albany, MS .....	3, 4	08-31-2006
14267-N .....	Department of Energy, Washington, DC .....	1	06-30-2006
14289-N .....	City Machine & Welding, Inc., Amarillo, TX .....	4	08-31-2006
14285-N .....	INO Therapeutics LLC, Port Allen, LA .....	4	08-31-2006
14283-N .....	U.S. Department of Energy (DOE), Washington, DC .....	1	06-30-2006
14277-N .....	Ascus Technologies, Ltd., Cleveland, OH .....	3, 4	08-31-2006
14266-N .....	NCF Industries, Inc., Santa Maria, CA .....	3	08-31-2006
14237-N .....	Advanced Technology Materials, Inc. (ATMI), Danbury, CT .....	1	08-31-2006
14232-N .....	Luxfer Gas Cylinders—Composite Cylinder Division, Riverside, CA .....	4	06-30-2006
14221-N .....	U.S. Department of Energy, Washington, DC .....	4	06-30-2006
14163-N .....	Air Liquide America, L.P., Houston, TX .....	4	06-30-2006
<b>Modification to Special Permits</b>			
11903-M .....	Comptank Corporation, Bothwell, ON .....	4	06-30-2006
13182-M .....	Cytec Industries Inc., West Paterson, NJ .....	3, 4	06-30-2006
14237-M .....	Austin Powder Illinois Company, Cleveland, OH .....	3, 4	06-30-2006
13583-M .....	Structural Composites Industries, Pomona, CA .....	3, 4	06-30-2006