

- Status of SAE G-10 Response to Symbolology Standards Request—Bob Smith.
- Coordination between 76/206 and 78/214—Stephane Dubet.
- Others to be determined.
- SPR and INTEROP.

**June 16**

- AIS and MET Subgroup meetings.

**June 17**

- AIS and MET Subgroup meetings.

**June 18**

- AIS and MET Subgroup meetings.

**June 19**

- AIS and MET Subgroup meetings.
- Plenary Session (Other Business, Meeting Plans and Dates).
- Closing Plenary Session (Other Business, Meeting Plans and Dates, Closing Remarks, Adjourn).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 14, 2009.

**Meredith Gibbs,**

*RTCA Advisory Committee.*

[FR Doc. E9-11752 Filed 5-19-09; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2009-0092; Notice 1]

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

Pilkington North America, Inc. (Pilkington) has determined that certain replacement rear windows that it manufactured for 2006–2009 Honda Civic two-door coupe passenger car do not fully comply with paragraphs S6.2 and S6.3 of 49 CFR 571.205, Federal Motor Vehicle Safety Standard (FMVSS) No. 205 *Glazing Materials*. Pilkington has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Pilkington 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 Pilkington'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.

Pilkington estimated that 206 replacement rear windows (NAGS part number FB22692GTY) for 2006–2009 Honda Civic two-door coupe passenger cars are involved. Pilkington also states that all of the subject windows were manufactured on April 16, 2008.

Paragraphs S6.2 and S6.3 of FMVSS No. 205 require in pertinent part:

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1-1996, in letters and numerals of the same size, the symbol "DOT" and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, \* \* \*

S6.3 A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must—

- (a) Mark that material in accordance with section 7 of ANSI/SAE Z26.1-1996; and
- (b) Certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

Pilkington explained that the noncompliances with FMVSS No 205 exist due to its failure to label the replacement rear windows with the marks required by section 7 of ANSI/SAE Z26.1-1996, the symbol "DOT," and its NHTSA assigned manufacturer code mark.

Pilkington states that it believes that this noncompliance is inconsequential to motor vehicle safety for three reasons. First, the non-compliance relates solely to product monograms or markings; the subject rear windows meet all other safety and performance standards. Second, NHTSA has previously granted other exemptions for non-compliant product labeling. In the past, the agency has recognized that the failure to meet labeling requirements often is inconsequential as to motor vehicle safety. Third, the information contained in these product markings is not required in order for consumers to operate their vehicles safely.

Pilkington stated its belief that the noncompliance will not interfere with any future tracing of the windows because Pilkington is only one of three

manufacturers of rear windows for this particular Honda Civic, the other two being PGW (Pittsburgh Glass Works, formerly known as PPG) and Auto Temp, Inc. Given that the windows produced by the two other manufacturers will be properly marked, Pilkington's unlabeled rear windows should easily be identified and traced, if necessary should any future defects or noncompliances be discovered.

Pilkington also stated its belief the lack of a monogram is inconsequential with respect to motor vehicle safety because consumers do not need the information in these monograms in order to operate their vehicles in a safe manner. Pilkington has tested a number of the parts in its possession and confirmed that they meet all other applicable FMVSS.

Pilkington also has informed NHTSA that it has corrected the problem that caused these errors so that they will not be repeated in future production. Pilkington also notes its intent to ensure that no additional non-compliant rear windows are in the marketplace. In this pursuit, Pilkington stated its intention to write to all wholesalers and distributors which purchased the subject replacement parts asking them to return to Pilkington any rear windows lacking compliant markings. However, Pilkington is seeking an exemption from quarterly reporting obligations and from any regulations that could potentially require efforts to contact end users or to label or mark rear windows now in use.

In summation, Pilkington states that it believes that the noncompliances are inconsequential to motor vehicle safety and that no corrective action is warranted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov/>, including any personal information provided.

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.). DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

You may view documents submitted to a docket at the address and times given above. You may also view the documents on the Internet at <http://www.regulations.gov/> by following the online instructions for accessing the dockets available at that Web site.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* June 19, 2009.

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

Issued on: May 14, 2009.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. E9-11720 Filed 5-19-09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket Number: FTA-2009-0009]

#### Notice of Availability of Proposed Guidance for New Starts/Small Starts Policies and Procedures and Request for Comments

**AGENCY:** Federal Transit Administration (FTA), DOT.

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

**SUMMARY:** This notice announces the availability of, and requests comments on, the Federal Transit Administration's (FTA) Proposed Guidance on New Starts/Small Starts Policies and Procedures. The proposed guidance presents weights to be assigned for the six project justification criteria for New Starts and the three project justification criteria for Small Starts in the project evaluation process. FTA also proposes a process to ensure that the impacts of tunnels are considered in project evaluation.

**DATES:** Comments on the Proposed Guidance on New Starts/Small Starts Policies and Procedures must be received by June 19, 2009. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments [identified by the Docket Number FTA-2009-0009] by any of the following methods:

*Web site:* <http://regulations.gov/>.

Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 202-493-2251.

*Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590.

*Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 8:30 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

*Instructions:* You must include the agency name (Federal Transit Administration) and the docket number (FTA-2009-0009). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to the Federal government Web site located at <http://www.regulations.gov/>.

*regulations.gov*. This means that if your comment includes any personal identifying information, such information will be made available to users of Web site.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth Day, Office of Planning and Environment, telephone (202) 366-5159 and Christopher Van Wyk, Office of Chief Counsel, telephone (202) 366-1733. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The proposed changes described in the policy guidance made available by this notice have been necessitated by the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008 (Pub. L. 110-244), which amends 49 U.S.C. 5309. The Act specifies that each of the project justification criteria for proposed New Starts and Small Starts projects should be given “comparable, but not necessarily equal, numerical weight \* \* \* in calculating the overall project rating.” The guidance proposes to set the weights at 20 percent each for the mobility, cost-effectiveness, land use, and economic development criteria, and 10 percent each for the operating efficiencies and environmental benefits criteria for New Starts projects. Each of the three project justification criteria for Small Starts (land use, economic development and cost-effectiveness) would be set at a third each.

The Act further states that the Secretary of Transportation shall analyze, evaluate, and consider the congestion relief, improved mobility, and other benefits of tunnels in transit projects that include a transit tunnel, as well as the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects that do not include a tunnel but where a transit tunnel was one of the alternatives analyzed. FTA proposes to require that project sponsors develop and consider such information during alternative analysis studies. FTA will ensure that such information has been addressed as part of the FTA review of project applications for entry into preliminary engineering.

FTA will respond to comments received on the proposed guidance in a second **Federal Register** notice to be published after the close of the comment period. That notice will describe any changes made to the weights for project justification criteria