

deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

### VIII. Other Information

#### Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative.

Explanatory information provided by the Bureau that contradicts published language will not be binding.

Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: January 31, 2006.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 06-1069 Filed 2-3-06; 8:45 am]

**BILLING CODE 4710-05-U**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-23170; Notice 2]

#### Kumho Tire Co., Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Kumho Tire Co., Inc. (Kumho) has determined that certain tires that it produced in 2005 do not comply with S4.3.4 of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New pneumatic tires." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Kumho 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 December 9, 2005, in the **Federal Register** (70 FR 73325). NHTSA received one comment.

Affected are a total of approximately 197,147 temporary spare tires produced in February 2005. S4.3.4 of FMVSS No. 109 requires that each tire have permanently molded onto the sidewall the maximum inflation pressure in kPa followed in parentheses by the

equivalent inflation pressure in psi, and the maximum load marking in kilograms followed in parentheses by the equivalent load rating in pounds. The affected tires have the maximum inflation pressure marking only in psi and not in kPa, and have reversed the maximum load markings so that the load rating in pounds is followed in parentheses by the equivalent load rating in kilograms. Kumho has corrected the problem that caused these errors so that they will not be repeated in future production.

Kumho believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Kumho states that the noncompliance "will have no impact on the operational performance or safety of vehicles on which the tires are used." Kumho says that the tires meet or exceed all FMVSS No. 109 performance requirements.

One comment was received from a private individual. The comment concerns the danger presented by not having maximum "load pressures" on a tire. As explained above, the affected tires do have correct information on maximum load markings (although the information on pounds and kilograms is in reverse order) and maximum inflation pressure (although expressed only in psi). Therefore, these tires do not present the danger referred to in the comment, and the comment provides no basis on which the petition should be denied.

NHTSA agrees with Kumho that the noncompliance is inconsequential to motor vehicle safety. The correct English unit information required by FMVSS No. 109 is provided and therefore is likely to achieve the safety purposes of the requirement. All other informational markings are present, and the tires meet or exceed all of the performance requirements of FMVSS No. 109.

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, Kumho'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: January 31, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6-1539 Filed 2-3-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34815]

#### Cassatt Management, LLC d/b/a/ Bay Coast Railroad—Operation Exemption—Shenandoah Valley Railroad Line

Cassatt Management, LLC d/b/a/ Bay Coast Railroad (BCR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate, pursuant to an agreement with the Shenandoah Valley Railroad, LLC (SVRR), SVRR's approximately 20.2-mile line of railroad extending from milepost 5.0 at Pleasant Valley to milepost 25.2 in Staunton, in Rockingham and Augusta Counties, VA.<sup>1</sup>

BCR certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

The transaction was expected to be consummated on or after January 18, 2006.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34815, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, John D. Heffner, PLLC, 1920 N Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: January 27, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 06-1015 Filed 2-3-06; 8:45 am]

**BILLING CODE 4915-01-P**

<sup>1</sup> SVRR retains the residual right to conduct rail operations itself or through an agent in the event of BCR's default of its obligation under the agreement.