

[FR Doc. 05-10997 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Aviation Proceedings, Agreements Filed the Week Ending May 13, 2005

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST-2005-21205.

*Date Filed:* May 9, 2005.

*Parties:* Members of the International Air Transport Association.

*Subject:* CTC COMP 0525 dated 31 March 2005; Mail Vote 445—Cargo Composite Resolutions r1-r10. CTC COMP 0529 dated 6 May 2005; Amendment to Filing Period. CTC COMP 0530 dated 9 May 2005; Description of Agreement. Minutes: CTC COMP 0528 dated 5 May 2005; Intended effective date: 1 June 2005.

*Docket Number:* OST-2005-21237.

*Date Filed:* May 10, 2005.

*Parties:* Members of the International Air Transport Association.

*Subject:* CAC/33/Meet/004/05 dated 29 April, 2005; Expedited Resolutions 809/809e/809zz/823. (Minutes relevant to the Resolutions are included in CAC/33/Meet/004/05) Intended effective date: expedited July 1, 2005.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

[FR Doc. 05-11000 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending May 13, 2005

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such

procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST-2004-17171.

*Date Filed:* May 12, 2005.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* June 2, 2005.

*Description:* Amended Application of Maxjet Airways, Inc. pursuant to Subpart B of the Department of Transportation rules of practice for a certificate of public convenience and necessity authorizing interstate air transportation.

**Andrea M. Jenkins,**

*Program Manager, Docket Operations,  
Federal Register Liaison.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Proposed Federal Aviation Administration Order 8100.14A, Interim Procedures for Working With the European Community on Airworthiness Certification and Continued Airworthiness

**AGENCY:** Federal Aviation Administration (DOT).

**ACTION:** Notice of availability and requests for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on proposed Federal Aviation Administration (FAA) Order 8100.14A, Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness. The proposed revision will replace FAA Order 8100.14; Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness dated September 30, 2003. The proposed revised Order provides guidance to Aircraft Certification Field Offices personnel on how to work with their counterparts in the European Aviation Safety Agency (EASA) and the National Aviation Authorities (NAA) of European Union Member States.

**DATES:** Submit comments on or before July 5, 2005.

**ADDRESSES:** Send all comments on proposed FAA Order 8100.14A to: Federal Aviation Administration, Aircraft Certification Service, International Policy Office, Federal Office Building 10B, Floor 6 West, 800 Independence Avenue, SW.,

Washington, DC 20591. ATTN: Walter Dillon, AIR-40. Or deliver comments to: Federal Aviation Administration, Federal Office Building-10B, Room 6 West, 800 Independence Avenue, SW., Washington, DC 20591.

#### FOR FURTHER INFORMATION CONTACT:

Walter Dillon, Federal Aviation Administration, Aircraft Certification Service, International Policy Office, AIR-40, Floor 6 West, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 385-8943, fax (202) 493-5144. E-mail [walter.dillon@faa.gov](mailto:walter.dillon@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Submit written data, views, or arguments on the proposed Order to the above-specified address. Your comments should stipulate "Comments to proposed FAA Order 8100.14A." You may examine comments before and after the comment closing date by visiting Room 6 West, FAA Building 10B, 800 Independence Avenue, SW., Washington, DC, weekdays except Federal holidays, between 8 a.m. and 4 p.m. The Director, Aircraft Certification Service, will consider all comments received on or before the closing date before issuing the final Order.

##### Background

FAA Order 8100.14 was first published to coincide with the date the European Aviation Safety Agency (EASA) began operations in September 2003. This order provided interim policy and guidance on how to interact with the newly established EASA and the National Aviation Authorities of European Union Member States for the purposes of type, production, and airworthiness certification, and continued airworthiness of aeronautical products.

Over the past two years EASA moved its headquarters, expanded its infrastructure, and developed and implemented several internal policies. EASA's growth and resulting process changes have affected the interaction between EASA and the FAA, resulting in the first revision of Order 8100.14.

##### How To Obtain Copies

You can get a copy of proposed FAA Order 8100.14A from the FAA's Regulatory and Guidance Library (RGL) at: <http://www.airweb.faa.gov/rgl>. On the RGL Web site, click on "Draft Advisory Circulars" then on "Open for Comment" to view the draft Order. Or, contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on May 25, 2005.

**Mary Cheston,**

*Manager, International Policy Office, Aircraft Certification Service.*

[FR Doc. 05-10903 Filed 6-1-05; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18755; Notice 4]

#### Coupled Products, Inc., Grant of Appeal of Decision on Inconsequential Noncompliance

Coupled Products, Inc. (Coupled Products) has appealed a decision by the National Highway Traffic Safety Administration (NHTSA) that denied its petition for a determination that its noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake hoses," is inconsequential to motor vehicle safety. Coupled Products had applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301, "Motor Vehicle Safety."

Notice of receipt of the original petition was published on August 5, 2004, in the **Federal Register** (69 FR 47484). On December 24, 2004, NHTSA published a notice in the **Federal Register** denying Coupled Products' petition (69 FR 76520), stating that the petitioner had not met its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Coupled Products appealed, and notice of the appeal was published in the **Federal Register** on March 2, 2005 (70 FR 10162). NHTSA received one public comment.

Coupled Products determined that certain hydraulic brake hose assemblies that it produced do not comply with S5.3.4 of 49 CFR 571.106, FMVSS No. 106. S5.3.4 of FMVSS No. 106, tensile strength, requires that "a hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings." A total of approximately 24,622 brake hose assemblies, consisting of 3,092 assemblies bearing Part Number 5478 and 21,530 assemblies bearing Part Number 5480 may not comply with S5.3.4. The potentially affected hoses were manufactured using a "straight cup" procedure rather than the appropriate "step cup" procedure. Compliance testing by the petitioner of eight sample hose assemblies from two separate manufacturing lots of these hoses revealed that seven of the eight

samples experienced hose separation from the end fittings at loads from 224 to 317 pounds.

Coupled Products asserted that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Coupled Products had stated in its original petition that because of the specific vehicle application involved (the hoses are used in specific boat trailer applications of a single trailer manufacturer), the hoses are installed in such a manner as to make it unlikely that the hose assembly would be subject to the type of forces to which the tensile strength test is directed.

In the notice denying Coupled Products' original petition, NHTSA determined that this was not a persuasive argument. NHTSA pointed out that the tensile strength test is a worst case test, subjecting the crimped joint to a separation pull. The purpose of the tensile strength test is to test only the crimped area in a brake hose. A test conducted at an angle to the end fitting centerline, such as conducted by the Coupled Products, would not measure the strength of the crimped area by itself but also the interaction of the end fitting with the interior wall of the brake hose. This would result in a more lenient test for the crimped area.

In its original petition, Coupled Products had also asserted that because the braking system on the trailer is independent of the towing vehicle's braking system, a failure of the hose assembly on the trailer would not result in a loss of braking capability of the towing vehicle, and the driver would be able to stop both vehicles. In response, NHTSA stated that in the event that the failure of the hose assembly occurred, the driver of the towing vehicle would be faced with a potentially serious safety situation due to the reduced stopping capability of the vehicle combination.

In consideration of the foregoing, NHTSA decided that the petitioner did not meet its burden of persuasion that the noncompliance it described is inconsequential to motor vehicle safety. Accordingly, its petition was denied.

In its appeal from NHTSA's denial, Coupled Products provided new data. Based on the additional data submitted by Coupled Products, NHTSA agrees that the noncompliance is inconsequential to safety. The Agency had a major concern with the possibility of the loss of braking capability when it denied the original petition. However, the petitioner has addressed this issue satisfactorily by comparing the performance of correctly crimped and incorrectly crimped brake hose

assemblies. Coupled Products used two types of pressure cycle tests for this purpose.

One type of pressure cycle test purported to simulate the situation of a "panic stop." For this, the petitioner used the maximum pressure level in the trailer (1000 psi) as the upper limit for the pressure cycle (10 seconds at 1000 psi/2 seconds at zero psi), while keeping the brake hoses exposed to 212° F. The brake hoses were exposed to over 10,000 cycles with no failures.

The other type of pressure cycle test conducted by the petitioner (SAE J1401, paragraph 4.2.12 "Hot Impulse Test") while exposing the brake hose assemblies to more extreme conditions of temperature (295° F) and pressure (maximum pressure cycle limit of 1600 psi), using a lesser number of cycles (150 cycles), calls for holding 4000 psi for two minutes. All brake hoses tested passed, demonstrating a burst pressure of over 10,000 psi, well over the 4000 psi pressure hold. The performance of the incorrectly crimped brake hose assemblies at the pressure/temperature envelopes covered by Coupled Products' testing satisfactorily addresses NHTSA's concerns that the brake hoses will perform their intended function under operating conditions. Under both types of pressure cycle tests the incorrectly crimped brake hose assemblies performed as well as the correctly crimped assemblies.

NHTSA had additional concerns regarding the effect on the brake hoses of the trailer suspensions reaching their limit of travel, and also with the possibility of interference with the brake hoses during loading/unloading operations. The petitioner submitted a series of photos to address these issues. The photos indicated that there is no effect on the brake hose performance when the trailer's suspensions are in their full jounce (compressed) or rebound conditions, and that there is no possibility of interference with the brake hoses during loading/unloading operations.

The public comment in response to the notice of appeal was from EZ-Loader, Inc., a manufacturer of boat trailers. EZ-Loader stated that it has sold brake hose assemblies manufactured by Coupled Products, and has not had any warranty claims or reports of field incidents related to the brake hose assemblies in question. Therefore, EZ-Loader supports a determination that the noncompliance is inconsequential to motor vehicle safety.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is