

Quattroporte, because the steering column and steering wheel are incompatible with the electrical system in the Coupe/Spyder. Use of the Quattroporte's passenger air bag would require redesigning the entire Coupe-Spyder dashboard. To position the Quattroporte's sensors in the Coupe-Spyder, it would have been necessary to change the seats. The sensors also could not be packaged in the Coupe-Spyder due to space problems, and the sensor software was incompatible with the Coupe-Spyder's electrical system.

*Maserati argues that an exemption would be in the public interest.* Maserati put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest. Specifically, Maserati asserts the current Coupe-Spyder's air bag system does not pose a safety risk. Maserati knows of no injuries caused by the Coupe-Spyder's current standard air bag system. If the exemption is denied and Maserati stops U.S. sales, Maserati states that its goodwill with its U.S. dealer's would be negatively impacted. Further, Maserati asserts that denial of an exemption would reduce the consumer choice in the specialty sports car market sector into which Maserati cars are offered. Maserati asserts that the Coupe-Spyder will not be used extensively by owners, and is unlikely to carry small children. Finally, according to Maserati, granting an exemption would assure the continued availability of proper parts and service support for existing Maserati owners.

#### IX. Issuance of Notice of Final Action

We are providing a 15 day comment period in light of the short period of time between now and the time the advanced air bag requirements become effective for small volume manufacturers, i.e., September 1, 2006. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

Issued on: July 5, 2006.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. E6-10892 Filed 7-11-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-25323]

#### Saleen, Inc.; Receipt of Application for a Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of receipt of application for a temporary exemption from provisions of Federal Motor Vehicle Safety Standard No. 208, *Occupant crash protection*.

**SUMMARY:** In accordance with the procedures of 49 CFR part 555, Saleen, Inc. (Saleen) has applied for an extension of a Temporary Exemption from the automatic restraint requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*, and an additional exemption from the advanced air bag requirements of that standard, both for the Saleen S7. The basis of the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.<sup>1</sup>

We are publishing this notice of receipt of the application in accordance with the requirements of 49 U.S.C. 30113(b)(2), and have made no judgment on the merits of the application.

**DATES:** You should submit your comments not later than July 27, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ed Glancy or Eric Stas in the Office of Chief Counsel, NCC-112, (Phone: 202-366-2992; Fax 202-366-3820).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

A manufacturer is eligible to apply for a hardship exemption if its total motor vehicle production in its most recent year of production does not exceed 10,000, as determined by the NHTSA Administrator (15 U.S.C. 1410(d)(1)). Saleen has manufactured less than 20 Saleen S7's a year between model years 2003 and 2005. Applicant's other line of business consists of altering Ford Mustang vehicles. Saleen stated that it produced approximately 1500 Saleen Mustangs in model year 2005.

In June 2001, NHTSA granted Saleen a two-year hardship exemption from the

automatic restraint requirements of FMVSS No. 208 (S4.1.5.3), expiring on April 16, 2003 (66 FR 33298; June 21, 2001). On January 22, 2004, we granted a renewal of the exemption for an additional three years, expiring on September 1, 2006.<sup>2</sup> Saleen has applied for a renewal of that exemption as well as an exemption from the advanced air bag provisions of FMVSS No. 208 (S14.2).<sup>3</sup>

In September of 2005, Saleen submitted an application for further exemption from the automatic restraint requirements of FMVSS No. 208, as well as an exemption from the advanced air bag requirements of the standard. Saleen subsequently withdrew the petition, and later resubmitted the application in January of 2006. Saleen then provided supplemental information May 11, 2006.

In 2000, NHTSA upgraded the requirements for air bags in passenger cars and light trucks, requiring what is commonly known as "advanced air bags."<sup>4</sup> The upgrade was designed to meet the goals of improving protection for occupants of all sizes, belted and unbelted, in moderate to high speed crashes, and of minimizing the risks posed by air bags to infants, children, and other occupants, especially in low speed crashes.

The advanced air bag requirements were a culmination of a comprehensive plan that the agency announced in 1996 to address the adverse effects of air bags. This plan also included an extensive consumer education program to encourage the placement of children in rear seats. The new requirements were phased in beginning with the 2004 model year.

Small volume manufacturers are not subject to the advanced air bag requirements until September 1, 2006, but their efforts to bring their respective vehicles into compliance with these requirements began several years ago. However, because the new requirements were challenging, major air bag suppliers concentrated their efforts on working with large-scale manufacturers and thus, until recently, small volume

<sup>2</sup> In accordance with 49 CFR 555.8(e), Saleen's original exemption remained in effect until the publication of the 2004 grant notice because the application for renewal was filed more than 60 days prior to the expiration of the exemption.

<sup>3</sup> Saleen's application states that Saleen is requesting an exemption from the advanced air bag provisions, which it cited as S5.1.1(b). S5.1.1 is the advanced air bag provision for occupant crash protection requirements for the 50th percentile adult male in a frontal barrier crash test. We believe that Saleen meant to cite S14.2, which establishes all of the advanced air bag requirements, including those for the 5th percentile adult female, children, and infants.

<sup>4</sup> See 65 FR 30680; May 12, 2000.

<sup>1</sup> To view the application using the Docket number listed above, please go to: <http://dms.dot.gov/search/searchFormSimple.cfm>.

manufacturers had limited access to advanced air bag technology. Because of the nature of the requirements for protecting out-of-position occupants, "off-the-shelf" systems could not be readily adopted. Further complicating matters, because small volume manufacturers build so few vehicles, the costs of developing custom advanced air bag systems compared to potential profits discouraged some air bag suppliers from working with small volume manufacturers.

The agency has carefully tracked occupant fatalities resulting from air bag deployment. Our data indicates that the agency's efforts in the area of consumer education and manufacturers' providing de-powered air bags were successful in reducing air bag fatalities even before advanced air bag requirements were implemented.

We note that Saleen is requesting not only an exemption from the advanced air bag requirements, but also a continued exemption from the automatic restraint requirements altogether. As always, we are concerned about the potential safety implication of any temporary exemptions granted by this agency. The agency is accepting comment on granting Saleen's application.

## II. Saleen's Statement of Need and Good Faith Effort

Saleen stated that its previous exemption extension request was intended to provide sufficient time for Saleen to sell and ship the Saleen S7 vehicles to generate the necessary cash flow to support the development of an air bag system that would be compliant with the advanced air bag requirements. The applicant stated that it intended to produce and sell a total of 36 vehicles by the end of 2003, with production slowly increasing to a rate of 50 vehicles per year. Saleen projected that this sales rate would have generated approximately \$12.8 million in annual gross revenue by the end of 2003, which would then increase to approximately \$17.8 million in annual gross revenue with the annual production of 50 vehicles. Saleen presented its actual annual sales as 13 vehicles, 8 vehicles, and 14 vehicles, in model years 2003, 2004, and 2005, respectively.

In the January 2005 application, Saleen stated that it intended to sell a total of 25 vehicles in the United States by the end of 2005, and an additional 10 vehicles in Europe. Maintaining an annual sales level of 35 vehicles, Saleen would generate a total of approximately \$17.8 million. Saleen revised these projections stating that it was uncertain whether it would manufacture the

Saleen S7 for international sale, as European homologation is pending.

However, Saleen stated that increased sales of its other products in conjunction with the sales of the Saleen S7 will allow it to develop an air bag system that is compliant with FMVSS No. 208 by the end of calendar year 2008 at a cost of approximately \$3.8 million. Saleen stated that this timeframe does not account for any delays, and as such, it is requesting a three year exemption, expiring September 1, 2009.

Saleen noted that in its previous application it explained that Saleen's relationship with Ford Motor Company in assisting in the manufacture of the Ford GT, an exotic sports car, would allow Saleen to rely on many of the components from the Ford GT. However, Saleen stated that the Ford GT was not manufactured as complying with the advanced air bag requirements. As such, Saleen stated that it was not able to rely on the advanced air bag technology used in the Ford GT.

Since the original air bag exemption, Saleen stated that it has hired an engineering project manager responsible for air bag development, has been working with engineers at Takata, Autoliv, and Bosch in researching all of the program requirements as well as developing a test plan and component designs for development of a system compliant with the advanced air bag requirement. Saleen also stated that it is working with Kettering University in Flint Michigan for additional research and testing.

## III. Saleen's Statement of Public Interest

The applicant put forth several arguments in favor of a finding that the requested exemption is consistent with the public interest. Specifically, Saleen stated that the Saleen S7 is a unique vehicle designed and produced in the United States utilizing many domestic sourced components. If an exemption were granted Saleen stated that it would be able to maintain its current payroll of 150 full time employees and continue the purchase of domestic sourced components. Further, Saleen stated that the Saleen S7 otherwise conforms to all applicable FMVSSs.

## IV. How You May Comment on the Saleen Application

We invite you to submit comments on the application described above. You may submit comments (identified by the DOT Docket number in the heading of this document) by any of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site by clicking on "Help and Information" or "Help/Info."

- Fax: 1-202-493-2251.

- Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.

- Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Instructions:** All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

**Docket:** For access to the docket in order to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.

**Privacy Act:** 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.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

We are providing a 15 day comment period in light of the short period of time between now and September 1, 2006. We shall consider all comments received before the close of business on the comment closing date indicated below. To the extent possible, we shall also consider comments filed after the closing date. We shall publish a notice of final action on the application in the **Federal Register** pursuant to the authority indicated below.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on: July 5, 2006.

**Ronald L. Medford,**

Senior Associate Administrator for Vehicle Safety.

[FR Doc. E6-10891 Filed 7-11-06; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Innovative Technology Administration

[Docket Number: RITA-2006-25247]

#### Request for Public Comments

**AGENCY:** Research and Innovative Technology Administration (RITA), DOT.

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

**SUMMARY:** Pursuant to section 5208 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Secretary of Transportation, acting through the Administrator of the Research and Innovative Technology Administration (RITA), is developing a 5-year transportation research and development strategic plan. The purpose of this notice is to invite interested parties to review and submit comments on the draft Strategic Research, Development and Technology Plan of the Department of Transportation (DOT). The plan can be found by using the above docket number at <http://dms.dot.gov>.

**DATES:** Comments must be received on or before August 9, 2006.

**ADDRESSES:** You can mail or hand-deliver comments to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket No. RITA-2006-25247, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC 20590-0001. Comments should identify the docket number; paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket RITA-2006-25247." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method

(the Internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493-2251.

If you wish to file comments using the Internet, you may use the DOT DMS Web site at <http://dms.dot.gov>. Please follow the online instructions for submitting an electronic comment. You can also review comments online at the DMS Web site at <http://dms.dot.gov>.

Please note that anyone is able to electronically search all comments received into our docket management system by the name of the individual submitting the comment (or signing the comment if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19477-78) or you may review the Privacy Act Statement at <http://dms.dot.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Lydia E. Mercado, RTD-10, Room 2440, Office of Research, Development & Technology, Research and Innovative Technology Administration, 400 Seventh Street, SW., Washington, DC 20590; (202) 366-3372; Fax No. (202) 366-3671; e-mail:

[lydia.mercado@dot.gov](mailto:lydia.mercado@dot.gov). Office hours are from 7:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 10, 2005, the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Pub. L. 109-59, 119 Stat. 1144). Title V, Subtitle B, section 5208(a) requires that the Secretary develop a 5-year transportation research and development strategic plan to guide Federal research and development activities. Furthermore, Section 5208(c)(1) requires that said plan be reviewed by the National Research Council.

##### A. Content of the Department of Transportation's Strategic Research, Development and Technology Plan (RD&T)

The DOT *Strategic RD&T Plan 2006-2010* presents the Department's broad approach to RD&T over the next five years and beyond. The plan describes the strategic goals that are the primary purposes for RD&T; the RD&T strategies the Department will pursue to accomplish these goals; and, for each RD&T strategy, the anticipated funding

levels and information the Department expects to gain. Importantly, the plan also identifies the emerging research priorities that the Department intends to pursue over the next several years. The plan incorporates the RD&T programs of all DOT operating administrations and considers how research by other Federal agencies, state DOTs, the private sector, and others contributes to DOT objectives and how unnecessary duplication is avoided.

##### Plan Development

This *Strategic RD&T Plan* was developed as part of an ongoing planning process that incorporates multi-year strategic planning, annual program planning, and budget and performance planning across the Department. This process is led by two internal planning bodies: The RD&T Planning Council and the RD&T Planning Team. Through a broad Department-wide process, the RD&T Planning Council has identified a set of RD&T strategies and emerging research priority areas that will advance DOT goals and guide RD&T investments over the next five years. These RD&T strategies and priorities provide the framework for this plan and for RD&T across the Department. As required by SAFETEA-LU, this plan will be reviewed by the National Research Council and incorporate input from a range of stakeholders, including state and local transportation agencies, not-for-profit institutions, academia, and the private sector. This outreach and review process will continue as DOT revises the plan to reflect changing priorities, operating administration mission requirements, and customer needs.

##### B. RD&T Strategies

Through its RD&T Planning Council, the Department has identified the critical RD&T strategies that will address the relevant factors affecting the Nation's transportation system and advance DOT goals. These overarching strategies serve as the primary research topics for the Department's RD&T programs and activities. DOT's RD&T strategies for the next five years are as follows:

##### Safety

1. Sponsor and conduct research to understand and address the causal factors and risks in accidents and to anticipate future safety risks in all transportation modes.

2. Sponsor and conduct research to determine the most effective ways of mitigating the consequences of transportation accidents and incidents in all modes.