

Meacham Boulevard, Fort Worth, Texas; Mr. Mike Feeley, Aviation Director, City of Fort Worth, Aviation Department, 4201 N. Main St., Suite 200, Fort Worth, Texas. Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Fort Worth, Texas, September 7, 2006.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 06-7660 Filed 9-13-06; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 147: Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 147 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 147: Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment.

DATES: The meeting will be held October 5, 2006 starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L St., NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833-9339; fax (202) 833-9434; Web site <http://www.rtca.org>.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 147 meeting. The agenda will include:

- *October 5:*
- Opening Session (Welcome and Introductory Remarks, Review/Approve meeting agenda for 63rd meeting, Review/Approve Summary of Previous Meeting).
- FAA TCAS II Program Office activities and charter.
- SC-147 Activity Reports.
- Surveillance Working Group: Review and resolution of Final Review and Comment (FRAC) comments, Hybrid Surveillance MOPS.

- Pending Plenary approval, forward comments to RTCA PMC for final consideration.

- Operations Working Group.
- Discussion and status of draft "TCAS Safety Bulletin" and draft letter to Flight Operations Departments.

- Discussion of proposed "Level of RA".

- Requirements Working Group (RWG).

- Roadmap for potential FAA TCAS V7.1 rulemaking.

- Workplan for DO-185B development.

- Closing Session (Other Business, Future Actions/Activities, Date and Place of Next Meeting, 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 September 6, 2006.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 06-7634 Filed 9-13-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2006-25594]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Kershaw Fruit & Cold Storage Co., Inc. and Kershaw Sunnyside Ranches, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application for an exemption received from Kershaw Fruit & Cold Storage Co., Inc. and Kershaw Sunnyside Ranches, Inc. regarding the transportation of wooden fruit bins from fields to cold storage and packing facilities. These companies seek the exemption because they believe compliance with the general cargo securement requirements prevents them from using more efficient and effective cargo securement methods. Kershaw Fruit & Cold Storage Co., Inc. and Kershaw Sunnyside Ranches, Inc.

believe the alternative cargo securement method that they have historically used would maintain a level of safety that is equivalent to the level of safety achieved without the exemption.

DATES: Comments must be received on or before October 16, 2006.

ADDRESSES: You may submit comments [identified by DOT DMS Docket No. FMCSA-2006-25594] by any of the following methods:

- *Web site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- *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 20590-0001.

- *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 for this notice. Note that all comments received will be posted without change (including any personal information provided) to <http://dms.dot.gov>. See the Privacy Act heading for further information.

Docket: For access to the docket and to read background documents or comments received, go to <http://dms.dot.gov> at any time or 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. DMS is available 24 hours each day, 365 days each year. If you want to be notified that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor **Federal Register** published on April 11, 2000 (65 FR 19477). This statement is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations,

Vehicle and Roadside Operations Division (MC-PSV), phone (202) 366-0676, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA-21) (Pub.L. 105-178, June 9, 1998, 112 Stat. 401) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** [49 CFR 381.315(b)]. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to two years) and explain the terms and conditions of the exemption. The exemption may be renewed [49 CFR 381.315(c) and 49 CFR 381.300(b)].

The Application for Exemption

Kershaw Fruit & Cold Storage Co., Inc. and Kershaw Sunnyside Ranches, Inc. (Kershaw) are family-owned businesses that grow approximately 35,000 bins of apples each fall. During the harvest period (August-October), Kershaw transports apples from the fields where they are harvested to cold storage facilities and from these cold storage facilities to packing houses in Washington. The apples are transported in wooden bins. Kershaw typically hauls 48-64 bins at a time using either 48- or 40-foot trailers with a 20-foot pup trailer.

Kershaw has applied for an exemption from the tiedown requirements of 49 CFR 393.110. Typically, Kershaw has used corner

irons and a series of cables to secure the bins of apples to a trailer for transport, which it contends “* * * has been the accepted procedure for many years in our industry.” The typical method of securement used by Kershaw, consisting of corner irons and longitudinal cables, is now prohibited by 49 CFR 393.110. A copy of the application for exemption and accompanying photographs is included in the docket referenced at the beginning of this notice.

Kershaw states that approximately 10 years ago, plastic bins were introduced into the industry for use as an alternative to the wooden bins that had been used to transport products from the fields to other locations. Kershaw does not own or use any plastic bins. It uses wooden bins exclusively. Kershaw contends that the plastic bins are more prone to slide off trailers under certain conditions while in transit (presumably because of the lower coefficient of friction between the plastic bins and the trailer floor as compared to that between the wooden bins and the trailer floor). While Kershaw notes that plastic bins may slide off trucks “* * * causing safety concerns and transportation delays * * *,” it states that its “* * * track record with wood bins has been excellent * * *.” Consequently, Kershaw has requested an exemption from 49 CFR 393.110 for its drivers who transport wooden fruit bins from fields to cold storage facilities and packing houses, provided the wooden bins are secured by corner irons and cables as has been done in the past.

Kershaw also noted that numerous tiedowns would be required to secure each load under the provisions of 49 CFR 393.110. It contends that the use of these additional tiedowns will result in increased time to secure the load and decreased efficiency during loading and unloading operations. Kershaw states that these time considerations are critical given the nature of its operations, where the “* * * harvest period is critical and time demanding.” In addition, Kershaw notes that tiedowns that are tightened down over the bins of apples and in accordance with the provisions of 49 CFR 393.110 would result in severe damage to the apples and result in a significant loss of product.

Kershaw believes that granting the exemption would not adversely affect safety. The company argues that its drivers have safely transported wooden fruit bins for many years using corner irons and cables to secure the bins to the trailer. Kershaw’s commercial motor vehicle (CMV) operators believed that securing their loads of wooden fruit bins in such a manner conformed with the

cargo securement requirements in effect prior to the final rule published on September 27, 2002 (67 FR 61212), which went into effect on January 1, 2004. According to Kershaw, approximately 35,000 bins of its apples are transported safely in wooden bins each year during the harvest season. Kershaw claims its CMV owner/operators and drivers can achieve and maintain the same or greater level of safety with the exemption as would be achieved by requiring compliance with 49 CFR 393.110.

FMCSA notes that 49 CFR 393.102(b) requires that “Securement systems must provide a downward force equivalent to at least 20 percent of the weight of the article of cargo if the article is not fully contained within the structure of the vehicle.” While Kershaw’s application for an exemption did not specifically address this provision, it does not appear that Kershaw’s current load securement technique (utilizing a headerboard and 3/8 inch cables crisscrossed in the front and in the rear with cable running the length of the top row of bins as depicted in the photographs submitted with its application and on file in the docket referenced at the beginning of this notice) satisfies the requirements of this section.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Kershaw’s application for an exemption from 49 CFR 393.110. FMCSA is also requesting public comment regarding Kershaw’s current load securement technique, specifically with respect to the requirements of 49 CFR 393.102(b). It must also be noted that FMCSA can grant an exemption only if it has jurisdiction. The Agency’s authority is generally limited to CMV operations in interstate commerce. It is not clear from Kershaw’s application whether the apples transported in wooden fruit bins from fields to cold storage and packing facilities are moving in interstate or intrastate commerce. If Kershaw believes the trucking operations for which it requests the exemption are in interstate commerce, it should explain why. Otherwise, FMCSA must reject the application for lack of jurisdiction.

The Agency will consider all comments received before the close of business on the comment closing date indicated at the beginning of this notice. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the

comment closing date in the public docket and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file in the public docket relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: September 6, 2006.

John H. Hill,
Administrator.

[FR Doc. E6-15224 Filed 9-13-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34898]

Michael R. Root and Albany & Eastern Railroad Company—Continuance in Control Exemption—Iron Bull Railroad Company LLC

Michael R. Root, a noncarrier, and Albany & Eastern Railroad Company (AERC), a Class III rail carrier, have filed a verified notice of exemption to continue in control of Iron Bull Railroad Company LLC (IBR), upon IBR's becoming a rail carrier.¹

The transaction was expected to be consummated on or after August 25, 2006 (7 days after the amended notice was filed).

This transaction is related to notices of exemption in: (1) STB Finance Docket No. 34896, *PIC Railroad LLC—Lease and Operation Exemption—Union Pacific Railroad Company*, wherein PIC Railroad LLC (PICR) seeks to lease from Union Pacific Railroad Company and operate a rail line known as the Comstock Subdivision in Iron County, UT; and (2) STB Finance Docket No. 34897, *Iron Bull Railroad Company LLC—Operation Exemption—PIC Railroad LLC*, wherein Iron Bull Railroad Company LLC, pursuant to the same regulations and statute, will operate the line.

Mr. Root and AERC state that: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier.

¹ IBR will become a Class III carrier as a result of the transaction in STB Finance Docket No. 34897. Mr. Root currently controls AERC, a Class III rail carrier. AERC in turn controls IBR. Consequently, Mr. Root will control AERC directly and IBR indirectly. AERC will control IBR directly.

Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interest of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

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. 34898, 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 Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

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

Decided: September 8, 2006.

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

Vernon A. Williams,
Secretary.

[FR Doc. E6-15239 Filed 9-13-06; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34896; STB Finance Docket No. 34897]

PIC Railroad LLC—Lease and Operation Exemption—Union Pacific Railroad Company; Iron Bull Railroad Company LLC—Operation Exemption—PIC Railroad LLC

In STB Finance Docket No. 34896, PIC Railroad LLC (PICR), a noncarrier, has filed a verified notice of exemption under 49 U.S.C. 1150.31 to lease from Union Pacific Railroad Company (UP) and operate a rail line known as the Comstock Subdivision, extending between milepost 0.1 at or near Iron Springs and milepost 14.7 at or near Iron Mountain, a distance of approximately 14.6 miles in Iron County, UT.

In STB Finance Docket No. 34897, Iron Bull Railroad Company LLC (IBR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 for its operation of the rail line pursuant to an operating agreement with PICR.¹

The transactions were scheduled to be consummated on or shortly after August 22, 2006, the effective date of these exemptions (7 days after the exemptions were filed).

The transactions are related to STB Finance Docket No. 34898, *Michael R. Root and Albany & Eastern Railroad Company—Continuance in Control Exemption—Iron Bull Railroad Company LLC*, wherein Mr. Michael R. Root and Albany & Eastern Railroad Company will continue in control of Iron Bull Railroad Company LLC (IBR), upon IBR becoming a rail carrier as a result of the transaction in STB Finance Docket No. 34897.

PICR and IBR certify that their projected annual revenues as a result of these transactions will not exceed those that would qualify them as Class III carriers and will not exceed \$5 million.

If the notice contains false or misleading information, the exemptions are void *ab initio*. Petitions to revoke the exemptions 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 transactions.

An original and 10 copies of all pleadings, referring to STB Finance Docket Nos. 34896 and 34897, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

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

Decided: September 8, 2006.

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

Vernon A. Williams,
Secretary.

[FR Doc. E6-15242 Filed 9-13-06; 8:45 am]

BILLING CODE 4915-01-P

¹ Although PICR will enter into an agreement whereby IBR will operate the line, PICR also seeks an exemption to operate to fulfill its common carrier obligation in the event IBR were to cease operations.