

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-Phlx-2006-34 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2006-34. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2006-34 and should be submitted on or before January 19, 2007.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁵⁴ that the proposed rule change (SR-Phlx-2006-34), as modified by Amendments No. 1, 2, and 3, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵⁵

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E6-22404 Filed 12-28-06; 8:45 am]

BILLING CODE 8011-01-P

SOCIAL SECURITY ADMINISTRATION

[Document No. SSA-2006-0110]

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of teleconference.

DATES: January 10, 2007—2 p.m. to 4 p.m. Eastern Daylight Savings Time. Ticket to Work and Work Incentives Advisory Panel Conference Call. Call-in number: 1-888-790-4158. Pass code: PANEL TELECONFERENCE. Leader/Host: Berthy De la Rosa-Aponte.

SUPPLEMENTARY INFORMATION: Type of meeting: On January 10, 2007, the Ticket to Work and Work Incentives Advisory Panel (the "Panel") will hold a teleconference. This teleconference meeting is open to the public.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces this teleconference meeting of the Ticket to Work and Work Incentives Advisory Panel. Section 101(f) of Public Law 106-170 establishes the Panel to advise the President, the Congress, and the Commissioner of SSA on issues related to work incentive programs, planning, and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the Act. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B) of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a).

The interested public is invited to listen to the teleconference by calling the phone number listed above. Public testimony will be taken from 3:30 p.m. until 4 p.m. Eastern Standard Time. You must be registered to give public comment. Contact information is given at the end of this notice.

Agenda: The full agenda for the meeting will be posted on the Internet at <http://www.ssa.gov/work/panel> at least one week before the starting date or can be received, in advance, electronically or by fax upon request.

Contact Information: Records are kept of all proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the staff by:

- Mail addressed to the Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC 20024. Telephone contact with Tinya White-Taylor at (202) 358-6430.

- Fax at (202) 358-6440.
- Email to TWWIAPanel@ssa.gov.
- To register for the public comment portion of the meeting please contact Tinya White-Taylor by calling (202) 358-6430 or by e-mail to tinya.white-taylor@ssa.gov.

Dated: December 18, 2006.

Chris Silanskis,

Designated Federal Officer.

[FR Doc. E6-22433 Filed 12-28-06; 8:45 am]

BILLING CODE 4191-02-P

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

[Docket No. NHTSA 2006-25903; Notice 2]

BMW of North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

BMW of North America, LLC (BMW) has determined that certain vehicles that it produced in 2005 and 2006 do not comply with S4.5.1(b)(3) and S4.5.1(e)(3) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant crash protection." Pursuant to 49 U.S.C. 30118(d) and 30120(h), BMW 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 October 2, 2006, in the **Federal Register** (71 FR 58048). NHTSA received no comments.

Affected are a total of approximately 27,975 model year 2006 BMW X5 vehicles produced between September 1, 2005 and June 28, 2006. The affected vehicles were produced according to FMVSS No. 208 S14, the advanced air bag requirements including air bag suppression and telltale. However, the affected vehicles were not equipped with the corresponding warning labels, specifically the FMVSS No. 208 S4.5.1(b)(3) sun visor label identified in

⁵⁴ 15 U.S.C. 78s(b)(2).

⁵⁵ 17 CFR 200.30-3(a)(12).

Figure 11, and the S4.5.1(e)(3) removable label on dash identified in Figure 12. Instead, the affected vehicles were equipped with the “pre-advanced” air bag warning labels, specifically the FMVSS No. 208 S4.5.1(b)(1) sun visor label identified in Figure 6a, and the S4.5.1(e)(1) removable label on dash identified in Figure 7. This is shown as follows:

SUN VISOR LABEL

Required Label: S4.5.1(b)(3) Figure 11 WARNING—EVEN WITH ADVANCED AIR BAGS Children can be killed or seriously injured by the air bag The back seat is the safest place for children Never put a rear-facing child seat in front Always use seat belts and child restraints See owner’s manual for more information about air bags	Noncompliant Label: S4.5.1(b)(1) Fig. 6a. WARNING—DEATH or SERIOUS INJURY can occur. Children 12 and under can be killed by the air bag. The BACK SEAT is the SAFEST place for children. NEVER put a rear-facing child seat in front. ALWAYS use SEAT BELTS and CHILD RESTRAINTS. Sit as far back as possible from the air bag.
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REMOVABLE LABEL ON DASH

Required Label: S4.5.1(e)(3) Figure 12 This Vehicle is Equipped with Advanced Air Bags Even with Advanced Air Bags. Children can be killed or seriously injured by the air bag The back seat is the safest place for children Never put a rear-facing child seat in the front. Always use seat belts and child restraints See owner’s manual for more information about air bags..	Noncompliant Label: S4.5.1(e)(2) Figure 7. WARNING. Children Can be KILLED or INJURED by Passenger Air Bag The back seat is the safest place for children 12 and under. Make sure all children use seat belts or child seats.
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BMW has corrected the problem that caused these errors so that they will not be repeated in future production.

BMW believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. BMW states that the labels it actually used are “more stringent” and “more emphatic, which would lead a consumer to act in a more cautious manner, and not in a less safe manner.” BMW says,

The difference in the warning message texts between the labels clearly indicates that the warning message on the affected vehicles’ labels is stricter when compared to the advanced air bag labels. Therefore, even though the labels are incorrect, they would not result in a decrease in the safety message. Rather, they provide an increased emphasis.

BMW further states that the vehicles are equipped with passenger air bag telltale lamps, and therefore the owners will know from these lamps that the vehicles are equipped with an advanced air bag system.

BMW also says,

* * * [T]he Owners Manual of the affected vehicles contains a description of the advanced air bag system including a description of the passenger air bag system telltale lamp. Owners who consult the Owners Manual will be able to read a description of the advanced air bag system along with a description of the passenger air bag system telltale lamp. Therefore, owners will know from their Owners Manual that their vehicle is equipped with a FMVSS 208 advanced air bag system.

BMW states that it has no record that customers contacted the company with inquiries, complaints, or comments on the air bag warning labels.

NHTSA agrees with BMW that the noncompliance is inconsequential to motor vehicle safety. The noncompliant labels lack a statement that the vehicle is equipped with advanced airbags. However, as BMW points out in its petition, both the passenger air bag telltale lamp and the owner’s manual indicate the presence of advanced airbags.

Except for indicating that the vehicle is equipped with advanced airbags, the noncompliant permanent sun visor label contains virtually the same information as required by S4.5.1(b)(3). Therefore, there is no degradation of safety resulting from the sun visor label.

The noncompliant removable dash label contains similar information to that required by S4.5.1(e)(3) other than the statement, “Never put a rear-facing child seat in the front.” However, this label does state that “The back seat is the safest place for children 12 and under,” and this label is a removable label which most likely will not stay on the vehicle once it is purchased. The statement, “Never put a rear-facing child seat in the front” is present on the permanent sun visor label, and thus is permanently visible to the vehicle user. Therefore, NHTSA agrees with BMW that this noncompliance will not result in decreased safety.

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, BMW’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: December 26, 2006.

Daniel C. Smith,
Associate Administrator for Enforcement.
[FR Doc. E6–22429 Filed 12–28–06; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–21019]

Fenway Partners Capital Fund III, L.P., et al.-Control-Coach America Holdings, Inc., et al.

AGENCY: Surface Transportation Board.
ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Fenway Partners Capital Fund III, L.P. (Fenway Partners), a noncarrier, and various subsidiary entities of Fenway Partners (collectively, applicants), have filed an application under 49 U.S.C. 14303 to acquire control of noncarrier Coach America Holdings, Inc. (Coach America), and 30 Coach America-controlled motor passenger carriers. Coach America currently controls through intermediate subsidiaries the following federally regulated motor carriers of passengers: America Charters Ltd.; American Coach Lines of Atlanta, Inc.; American Coach Lines of Jacksonville, Inc.; American Coach Lines of Miami, Inc.; American Coach Lines of Orlando, Inc.; CUSA LLC; CUSA ASL, LLC d/b/a Arrow Stage Lines; CUSA AT, LLC d/b/a Americoach