

accordance with the Paperwork Reduction Act of 1995.

• *Title of Information Collection:* Application Under the Hague Convention on the Civil Aspects of International Child Abduction.

- *OMB Control No:* 1405-0076.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs. CA/OCS/CI.
- *Form Number:* DS-3013.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 500 per year.

- *Average Hours Per Response:* 1 hour.
- *Total Estimated Burden:* 500 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

**DATES:** The Department will accept comments from the public up to 60 days from March 24, 2006.

**ADDRESSES:** You may submit comments by any of the following methods:

- E-mail: [cholisms@state.gov](mailto:cholisms@state.gov).
- Mail (paper, disk, or CD-ROM submissions): Margaret Cholis, CA/OCS/CI, U.S. Department of State, Washington, DC 20520-4818.
- Fax: 202-736-9133.
- Hand delivery or Courier: Margaret Cholis, CA/OCS/CI, 4th floor, 2100 Pennsylvania Ave. NW., Washington, DC 20037.

You must include the DS form number, information collection title, and OMB control number in any correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Margaret Cholis, CA/OCS/CI, U.S. Department of State, Washington, DC 20520-4818, who may be reached on 202-736-9157 or via email at [CholisMS@state.gov](mailto:CholisMS@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper performance of the Department's functions as the Central Authority.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

*Abstract of Proposed Collection*

The Application Under the Hague Convention on the Civil Aspects of International Child Abduction (DS-3013) is used by parents or legal guardians who are asking the State Department's assistance in seeking the return of, or access to, a child/ or children alleged to be wrongfully removed from or retained outside of the child's habitual residence and currently located in another country that is also party to the Hague Convention on the Civil Aspects of International Child Abduction (Contracting State). The application requests information regarding the identities of the applicant, the child or children, and the person alleged to have wrongfully removed or retained the child or children. In addition, the application requires that the applicant provide the circumstances of the alleged wrongful removal or retention and the legal justification for the request for return or access. The State Department, as the U.S. Central Authority, uses this information to establish, if possible, the applicants' claims under the Convention; to advise applicants about available remedies under the Convention; and to provide the information necessary to the foreign Central Authority in its efforts to locate the child or children, and to facilitate return of or access to the child or children pursuant to the Convention.

*Methodology*

The CA/OCS/CI contact collects the necessary information via mail, fax, or electronic submission.

Dated: March 6, 2006.

**Catherine Barry,**

*Deputy Assistant Secretary, Consular Affairs, Overseas Citizens Services, Department of State.*

[FR Doc. E6-4317 Filed 3-23-06; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Availability of Motor Carrier Safety Assistance Program Grant Funds

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

**ACTION:** Notice.

**SUMMARY:** This document announces the availability of Motor Carrier Safety

Assistance Program (MCSAP) grant funding as authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

**DATES:** Applications for Basic/Incentive grant funding should be sent to the FMCSA Division Office in the State where the applicant is located no later than August 1 of each year. Applications for FY2006 High Priority grant funds or New Entrant Safety Audit funds must be submitted to the FMCSA Division Office in the State where the applicant is located no later than April 28, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael J. Lamm, Federal Motor Carrier Safety Administration, Office of Safety Programs, State Programs Division (MC-ESS), (202) 366-6830, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7 a.m. to 4:30 p.m., ET, Monday through Friday except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

#### Background

Section 4101 of SAFETEA-LU (Pub. L. 109-59, August 10, 2005, 119 Stat. 1144) amends 49 U.S.C. 31104(a) and reauthorizes the FMCSA Motor Carrier Safety Grants funding for FY2006 through FY2009. The authorized level of funding for MCSAP is \$188,000,000 for FY2006, which includes up to \$15,000,000 for High Priority grants and up to \$29,000,000 for New Entrant Safety Audits grants. Funding is subject to reductions resulting from obligation limitations or rescissions as specified in SAFETEA-LU or other legislation.

#### MCSAP Basic and Incentive Funds

All 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands are eligible to receive MCSAP Basic funding grants directly from FMCSA. Basic funds are distributed by formula as outlined in 49 CFR 350.323. Incentive funds may be distributed to all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico based upon the safety and program performance factors found in 49 CFR 350.327. The Commonwealth of the Northern Mariana Islands, American

Samoa, Guam, and the U.S. Virgin Islands are ineligible for Incentive funding grants. The Federal share of Basic and Incentive funds is established at 80 percent for all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. The Federal share of Basic funds is established at 100 percent for the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands. Funds remain available for expenditure in the State for the fiscal year in which they are allocated and for the next full fiscal year.

### High Priority Grants

MCSAP High Priority funds are generally provided by FMCSA to support, enrich, or evaluate State CMV safety programs and to accomplish the following five objectives:

- Implement, promote, and maintain national programs to improve CMV safety;
- Increase compliance with CMV safety regulations;
- Increase public awareness concerning CMV safety;
- Provide education on CMV safety and related issues; and
- Demonstrate new safety-related technologies.

These funds will be allocated, at the discretion of FMCSA, to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies. Section 4107 of SAFETEA-LU requires at least 90 percent of available funding be awarded to State or local government agencies. The Federal share of these funds is established at 80 percent except that the Federal share is established at 100 percent for public education activities.

### New Entrant Grants

States and local governments are eligible to apply for and receive New Entrant funds to conduct New Entrant Safety Audits as required by 49 CFR part 385, subpart D. The safety audit consists of a review of both the new entrant's safety management systems as well as a sample of required records to assess its compliance with the Federal Motor Carrier Safety Regulations, applicable Hazardous Materials Regulations, and related recordkeeping requirements. These funds will be administered at the discretion of FMCSA. The Federal share of these funds is established at 100 percent.

Additional information on MCSAP and the application process is available

from the Catalog of Federal Domestic Assistance (CFDA) website at [www.cfda.gov](http://www.cfda.gov). MCSAP is listed as CFDA number 20.218—National Motor Carrier Safety.

### Application and Selection Process

#### Basic/Incentive Grants

The State lead agency, designated by the Governor, must submit an application (MCSAP-1) to the Division Administrator of the FMCSA Division Office in the State where the applicant is located no later than August 1 of each year. In addition to the application, the application package must include a Commercial Vehicle Safety Plan (CVSP) that covers all items listed in 49 CFR 350.213.

Upon receipt, the application will be reviewed by FMCSA. Funds will be allocated based upon FMCSA's approval of the application. For a State to receive funding, the CVSP must be complete and include all required documents. Applicants approved for funding will be required to enter into a grant agreement with FMCSA, which will be executed by a Division Administrator on behalf of the Agency.

#### High Priority Grants

High Priority funding is available to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies. This funding will be administered at the discretion of FMCSA. The Federal share for these funds is established at 80 percent except for public education activities which are established at 100 percent Federal share.

States may use High Priority funds to comply with the requirements of section 4106 of SAFETEA-LU, which requires States to conduct comprehensive and highly visible traffic enforcement and commercial vehicle safety inspection programs in high risk locations and corridors. These projects may be similar in scope to the Ticketing Aggressive Cars and Trucks (TACT) pilot program that is currently underway in the State of Washington. TACT uses three principles—communications, enforcement, and evaluation—in an effort to decrease the unsafe driving practices of commercial and noncommercial drivers and to raise the awareness of the enforcement activity and the campaign message. Since the TACT project has not yet been fully evaluated, a State seeking to initiate a similar activity will need to develop its own high visibility traffic enforcement program and submit the program along

with its High Priority application and funding proposal to FMCSA.

The applicant may submit an electronic application package through [grants.gov](http://grants.gov). To apply using this method, the applicant must first register with [grants.gov](http://grants.gov) by going to <http://www.grants.gov/GetStartedRoles?type+aor>. Then, the applicant must download, complete, and submit the grant application package by going to <http://www.grants.gov/Apply?campaignid+tabnavtracking081105>.

As an alternative to the [grants.gov](http://grants.gov) process, the applicant may submit a MCSAP-1 paper application to the Division Administrator of the FMCSA Division Office in the State in which the applicant is located.

All applications must be received no later than April 28, 2006. In addition to the application, the application package must include a project proposal containing the following:

- Detailed budget,
- Scope of project,
- Purpose,
- Goals,
- Objectives,
- Implementation strategies,
- Performance measures, and
- Monitoring and evaluation plan.

Upon receipt, the applications will be reviewed by FMCSA and prioritized for potential funding. The review will consider consistency with national priorities, performance with respect to previous year grant programs, FMCSA personnel recommendations, and other criteria that FMCSA deems appropriate. Applicants approved for funding will be required to enter into a grant agreement with FMCSA. A Division Administrator will execute the grant agreement with the applicant on behalf of FMCSA.

If funds remain available after allocations are made for applications submitted by April 28, 2006, additional applications may be submitted and will be considered for funding until all available funds have been allocated.

#### New Entrant Grants

The applicant must submit an application package electronically through [grants.gov](http://grants.gov) or submit a MCSAP-1 paper application no later than April 28, 2006 to the Division Administrator of the FMCSA Division Office in the State in which the applicant is located.

In addition to the application, the application package must include a project proposal containing the following:

- Detailed budget,
- Scope of project,
- Purpose,
- Goals,

- Objectives,
- Implementation strategies,
- Performance measures, and
- Monitoring and evaluation plan.

Upon receipt, the applications will be reviewed by FMCSA and prioritized for potential funding. Applicants approved for funding will be required to enter into a grant agreement with FMCSA. A Division Administrator will execute the grant agreement with the applicant on behalf of FMCSA.

If funds remain available after allocations are made for applications submitted by April 28, 2006, additional applications may be submitted and will be considered for funding until all available funds have been allocated.

A copy of the MCSAP-1 grant application form is available and can be downloaded from <http://www.fmcsa.dot.gov/safety-security/safety-initiatives/mcsap/mcsapforms.htm>.

It is anticipated the grants.gov application process will be available for use by applicants applying for MCSAP New Entrant and High Priority grants by April 28, 2006.

Addresses of the FMCSA Division Offices are available on the Internet at <http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>.

Issued on: March 20, 2006.

**Annette M. Sandberg,**

*Administrator.*

[FR Doc. E6-4325 Filed 3-23-06; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Defect Petition

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

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted by Ms. Elyse Gerber to NHTSA's Office of Defects Investigation (ODI), received October 13, 2005, under 49 U.S.C. 30162, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety with respect to electrical system shut down on model year (MY) 2000 Mercedes Benz E430 vehicles. After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues

raised by the petition does not appear to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP05-007.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Chan, Defects Assessment Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-8537.

**SUPPLEMENTARY INFORMATION:** By letter dated September 20, 2005, Ms. Gerber of Belleair Beach, FL, submitted a petition requesting that the agency investigate electrical system shut down on MY 2000 Mercedes Benz E430 vehicles. The petitioner alleges that coffee from a cup, placed in the cup holder, spilled onto the gear shifter and shut down the vehicle's entire electrical system. The petitioner indicated that the vehicle jerked and slowed down, but she was able to maneuver the vehicle off the highway and into a shopping center parking lot.

The concern raised by the petitioner was investigated by the Office of Defects Investigation (ODI) of NHTSA. The investigation (SQ01-010) was opened on September 25, 2001 on MY 2000 through 2001 Mercedes Benz SLK, C, CLK, and E Series vehicles. NHTSA opened the investigation after receiving three complaints concerning liquid spillage onto the transmission shifter (center console) area, which reportedly caused the vehicle to stall or shut down, and a related technical service bulletin (TSB) issued by Mercedes Benz. The TSB identifies improved "Touch-Shifters" (ESM-Electronic Selector Modules) that were more resistant to fluid contamination, which were installed on vehicles produced after March 2001.

Mercedes Benz's letter dated January 24, 2002, sent in response to a request for information by ODI, identified 164 consumer complaints and 241 non-duplicate warranty claims concerning liquid spillage onto the transmission shifter. The response showed that in many cases, depending on the severity of the spill, fluid spills onto the transmission shifter/center console of the subject vehicles will have no effect on drivability. Where a substantial amount of fluid is spilled, the fluid may penetrate the console and contaminate the ESM circuitry located under the console. In certain cases, this can result in a shifter malfunction. Owners reported that they have experienced that the shifter is stiff or difficult to operate, or that the shifter could not be shifted out of the "Park" position. In the event of a fluid spill while the vehicle is moving, the damaged ESM will activate

the electronic transmission's "limp-home" mode. This mode will prevent the transmission from shifting past second gear while averting a stall or shut-down so that the vehicle can still be driven at a lower speed. Furthermore, Mercedes Benz's response indicated that there are no electronics related to the power brakes, power steering, or engine under the center console, and the company was unaware of any engineering basis for fluid spills in this area having any effect on those vehicle functions. No related crashes or injuries were identified during SQ01-010. Based on Mercedes' response and ODI's analysis of the facts, ODI closed its inquiry in February 2002. ODI concluded that the facts did not demonstrate a safety-related defect.

ODI has subsequently received nine more complaints alleging fluid contamination of the transmission shifter since the investigation was closed, none of which report crashes or injuries. These nine complainants mainly expressed dissatisfaction with the design of the cup holder and the cost of replacing the contaminated ESM. Similarly, in petitioner's case she was able to operate the vehicle to a place where it could be safely stopped after the liquid spillage. The petitioner has not provided any evidence of a safety-related defect.

In view of the foregoing, it is unlikely that NHTSA would issue an order for the notification and remedy of the alleged defect as defined by the petitioner at the conclusion of the investigation requested in the petition. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: March 21, 2006.

**Daniel Smith**

*Associate Administrator for Enforcement.*

[FR Doc. E6-4309 Filed 3-23-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34843]

#### Union Pacific Railroad Company— Temporary Trackage Rights Exemption—BNSF Railway Company

BNSF Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's lines