

Within the last 12 months ODI has received only 17 complaints regarding either stalling or drivability issues with these ignition coils. Within the last two years ODI has received only 38 complaints. After the first CSC was sent to dealerships on January 31, 2003, by VW, the number of complaints regarding this issue has rapidly declined. (Figure 1)

Although the concerns of the petitioner could theoretically lead to a safety problem, two years of real-world data shows very little risk due to the fact that in the majority of events the engine continues to operate at a reduced power level. The absence of reported real-world crash experience is consistent with the minimal consequence on the vehicle control systems associated with ignition coil failure. This is largely due to the fact that the failure happens on an individual coil and there is no trend of multiple and simultaneous coil failures that would tend to drive up the rate of reported stalling events. Should the vehicle stall, the power brake system will maintain a reserve of two or more brake pedal applications before reverting to a manual braking application mode. Any loss of power steering assist will increase steering effort at low speeds but at highway speeds the increase in steering effort will be minimal to none. Once the vehicle operator becomes aware of the problem (by experiencing a loss of power due to one of the ignition coils malfunctioning), he or she is able to take precautionary and compensatory measures and still maintain control of the vehicle.

In sum, VW's service campaign seems to be effectively alleviating the problem the petitioner has raised; the frequency of the alleged defect has declined considerably; and the alleged defect does not, based on current evidence, seem likely to lead to a significant safety problem. In view of the foregoing, it is unlikely that the 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 the 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: December 2, 2005.

**Daniel Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18478; Notice 2]

#### Decision That Nonconforming 1999 Ferrari 456GT and GTA Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of decision by National Highway Traffic Safety Administration that nonconforming 1999 Ferrari 456GT and GTA passenger cars are eligible for importation.

**SUMMARY:** This document announces a decision by the National Highway Traffic Safety Administration (NHTSA) that certain 1999 Ferrari 456GT and GTA passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1999 Ferrari 456GT and GTA passenger cars), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision was effective September 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an

opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC (JK) of Baltimore, Maryland (Registered Importer 90-006), petitioned NHTSA to decide whether 1999 Ferrari 456GT and GTA passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on July 9, 2004 (69 FR 41570) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

One comment was received in response to the notice of petition, from Ferrari North America, Inc. (FNA), the U.S. representative of Ferrari SpA, the vehicle's manufacturer. In its comment, FNA contended that there are complex issues concerning the conformance of Ferrari GT and GTA passenger cars to FMVSS Nos. 214 Side Impact Protection and 216 Roof Crush Resistance. FNA supported this contention by noting that such issues had come to the fore in the import eligibility decision covering 1997 and 1998 Ferrari 456 GT and GTA passenger cars that was published on April 16, 2004 (at 69 FR 20663). As a consequence, FNA expressed concern that the petitioner in this instance had not fully documented its conclusions with regard to both the need for modifications to meet those two standards and the methods by which such modifications would be made if they are deemed to be necessary. FNA further noted that although the petition had referred to FMVSS No. 216, no mention of this standard was made in the notice of petition published by the agency. Lastly, FNA observed that the petitioner did not supply the vehicle identification number (VIN) of the vehicle on which the petition was based, despite agency instructions for petitioning RIs to furnish this information.

The agency referred FNA's comments to the petitioner, but received no response. The agency notes that other than observing that there are complex issues concerning the conformance of the vehicles with FMVSS Nos. 214 and 216, FNA provided no specifics to support this position. More significantly, FNA did not contend that the vehicles are incapable of being readily altered to comply with those standards. As noted by FNA, the agency has already concluded that 1997 and 1998 Ferrari GT and GTA passenger cars are capable of being readily altered to

comply with FMVSS Nos. 214 and 216. Based on the similarity of the 1997 and 1998 models to the 1999 model year vehicles that are the subject of this petition, the agency has no reason to conclude that the 1999 models are not similarly capable of being readily altered to comply. FNA was correct in observing that the agency, through oversight, had neglected to include in the notice of petition any discussion regarding the vehicles' compliance with FMVSS No. 216. The notice should have stated that the petition identified the installation of braces bonded at the rear roof corners as needed to conform to the vehicles to that standard. With regard to the petitioner's failure to provide a VIN for the petitioned vehicle, the agency notes that although it would prefer petitioners to supply information of this kind, there is no regulatory requirement for them to do so.

Based on these considerations, the agency decided to grant the petition.

As NHTSA concluded in its analysis of the eligibility of the similar 1997 and 1998 Ferrari GT and GTA passenger cars, the modifications proposed for the 1999 Ferrari GT and GTA passenger cars indicate that the vehicles are capable of being readily altered.

#### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-445 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

#### Final Decision

Accordingly, on the basis of the foregoing, NHTSA decided that 1999 Ferrari 456GT and GTA passenger cars that were not originally manufactured to comply with all applicable FMVSS are substantially similar to 1999 Ferrari 456GT and GTA passenger cars originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable FMVSS.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**

Director, Office of Vehicle Safety Compliance.  
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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

December 1, 2005.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before January 9, 2006 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0013.

*Type of Review:* Extension.

*Title:* Notice Concerning Fiduciary Relationship.

*Form:* IRS form 56.

*Description:* Form 56 is used to inform the IRS that a person is acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the persons for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Total Burden Hours:* 292,800 hours.

*OMB Number:* 1545-0430.

*Type of Review:* Extension.

*Title:* Request for Prompt Assessment Under Internal Revenue Code Section 6501(d).

*Form:* IRS form 4810.

*Description:* Form 4810 is used to request a prompt assessment under IRC Section 6501(d). IRS uses this form to locate the return to expedite processing of the taxpayer's request.

*Respondents:* Business or other for-profit, Individual or households, Farms and Federal Government.

*Estimated Total Burden Hours:* 2,000 hours.

*OMB Number:* 1545-0666.

*Type of Review:* Extension.

*Title:* Statement for Claiming Benefits Provided by Section 911 of the Internal Revenue Code.

*Form:* IRS form 673.

*Description:* Form 673 is completed by a citizen of the United States and is

furnished to his or her employer in order to exclude from income tax withholding all or part of the wages paid the citizen for services performed outside the United States.

*Respondents:* Individual or households.

*Estimated Total Burden Hours:* 71,000 hours.

*OMB Number:* 1545-1221.

*Type of Review:* Extension.

*Title:* EE-147-87 (final) Qualified Separate Lines of Business.

*Description:* The affected public includes employers who maintain qualified employee retirement plans. Where applicable, the employer must furnish notice to the IRS that the employer treats itself as operating qualified separate lines of business and some may request an IRS determination that such lines satisfy administrative security.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 899 hours.

*OMB Number:* 1545-1511.

*Type of Review:* Extension.

*Title:* REG-209828-96 (Final) Nuclear Decommissioning Funds; Revised Schedules of Ruling Amounts.

*Description:* The regulations revise the requirements for requesting a schedule or ruling amounts based on a formula or method.

*Respondents:* Business or other for-profit.

*Estimated Total Burden Hours:* 100 hours.

*OMB Number:* 1545-1933.

*Type of Review:* Extension.

*Title:* Revenue Procedure 2005-28, Granting Automatic Consent to Change to the Alternative Tax Book Value Method of Valuing Assets for Expense Apportionment Purpose.

*Form:* IRS forms 1116 and 1118.

*Description:* This revenue procedure provides the administrative procedure under which an eligible taxpayer may obtain automatic consent to change from the fair market value method to the alternative tax book value method to the alternative tax book value method of valuing assets for purpose of apportioning expenses under section 1.861-9T(g) of the Temporary Income Tax Regulations. The procedure applies to changes in apportionment method requested for taxable years beginning between March 26, 2004 and March 25, 2006. The reporting and recordkeeping requirements imposed by the revenue procedure will enable the IRS to identify eligibility to use the procedure and the years for which the alternative tax book value method is being adopted. Likely respondents are corporations.