

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

[Docket Number NHTSA-2007-0055]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before February 26, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. David Sparks, Office of Odometer Fraud Investigation, 1200 New Jersey Avenue, SE., Room W55-318, Washington, D.C. 20590-0001. Telephone: (202) 366-5953

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

- (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) How to enhance the quality, utility, and clarity of the information to be collected;
- (iv) How to minimize the burden of the collection of information on those

who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g. permitting electronic submission of responses).

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: 49 CFR Part 580 Odometer Disclosure Statement.

OMB Number: 2127-0047.

Affected Public: Households, Business, other for-profit and not-for-profit institutions, Federal Government, and State, Local, or Tribal Government.

Abstract: The Federal Odometer Law, 49 U.S.C. Chapter 327, and implementing regulations, 49 CFR Part 580 require each transferor of a motor vehicle to provide the transferee with a written disclosure of the vehicle's mileage. This disclosure is to be made on the vehicle's title, or in the case of a vehicle that has never been titled, on a separate form. If the title is lost or is held by a lien holder, and where permitted by state law, the disclosure can be made on a state-issued, secure power of attorney.

Estimated Annual Burden: 2,034,910.

Estimated Number of Respondents: 162,808,900.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **DOT Internet site:** <http://dms.dot.gov> Follow the instructions for submitting comments.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001
- **Hand Delivery or Courier:** U.S. DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001 between 9 a.m. and 5 p.m. EST,

Monday through Friday, except Federal holidays.

- **Fax:** 202-493-2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided.

To receive confirmation that your comments were received, enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

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 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

To Read Comments submitted to the Docket: visit the Docket Management System at the address and times given above.

To read the comments on the Internet, take the following steps:

- (1) Go to the Federal Docket Management System (FDMS) Web page "<http://www.regulations.gov>"
- (2) At that site, click on "search for dockets."
- (3) Select (<http://www.regulations.gov/fdmspublic/component/main>)
- (4) From the drop-down menu in the Agency field, select "National Highway Traffic Safety Administration"
- (4) Enter number "2127-0047" (the Docket ID).
- (5) Click on "submit."
- (6) The response should contain the docket summary information for this docket.
- (7) Click on the comments you wish to see.
- (8) You may download the comments. These files are imaged documents (i.e. Adobe Acrobat pdf files) and can be "word searched" using a suitable software application.

Please note that it is recommended to search the Docket periodically, as new material is added as it becomes available.

Issued on: December 20, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

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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 a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition (Defect Petition DP06-005) submitted by Public Citizen to NHTSA's Office of Defects Investigation (ODI) pursuant to 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 regard to engine stalling in Model Year (MY) 2003-2005 Ford Taurus/Mercury Sable Flex Fuel Vehicles that operate using E85, an alternative fuel.

After reviewing all available information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issue raised by the petition is not warranted. The agency accordingly has denied the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Ajit Alkondon, Safety Defects Engineer, Defects Assessment Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue, SE., Washington DC 20590. Telephone 202-366-3565.

SUPPLEMENTARY INFORMATION: On October 11, 2006, Public Citizen sent a letter to NHTSA regarding MY 2003-2005 Ford Taurus and Mercury Sable Flex Fuel Vehicles (FFV). The Ford Motor Company (Ford) produced 228,000 of these vehicles in those model years. In the letter, Public Citizen petitioned NHTSA to investigate and determine whether the alleged stalling of these vehicles while operating on E85 constitutes a safety defect under the vehicle safety laws (49 U.S.C. Chapter 301).

E85, an "alternative fuel" within the meaning of 49 U.S.C. 32901(a)(1)(D), is an alcohol/fuel mixture consisting of 85% denatured ethanol and 15% gasoline or diesel fuel. Flex fuel vehicles (FFVs, also known as "dual fueled automobiles") are vehicles "capable of operating on alternative fuel and on gasoline or diesel fuel." 49

U.S.C. 32901(a)(8)(A). An FFV is identical to its non-FFV counterpart, except that, because of the corrosive nature of the alternative fuel (in this case, the ethyl alcohol in E85), exposed metallic and rubber surfaces within the FFV fuel system have been replaced with materials more capable of resisting the corrosive effects of the alternative fuel to prevent excessive wear of these surfaces from exposure to E85.

Public Citizen's Petition

In addition to seeking a defect investigation, the petition also asks NHTSA to reclaim credits claimed by Ford for these vehicles due to their dual fuel status under the Corporate Average Fuel Economy (CAFE) program. See 49 U.S.C. 32905-32906. Although that issue is not addressed in this notice, the petition focuses primarily on this CAFE credit issue and the availability of E85. The great majority of the allegations in the petition concern difficulty in starting the vehicles and make no reference to safety issues. The petition mentions one instance in which, after the owner experienced difficulty starting the vehicle and drove the car out of his garage, the vehicle "began to stall." The petition does not allege any crashes, injuries, or (with the possible exception of the one alleged stalling incident), any unsafe events involving these vehicles.

NHTSA's Review of the Allegations Made in the Petition

With little to go on based on the petition itself, ODI looked at various sources of information to determine whether or not there was any basis for a safety investigation of these vehicles with regard to alleged engine stalling. ODI reviewed complaints submitted by owners of these vehicles to NHTSA and to Ford (including a complaint concerning the one instance of possible stalling cited in the petition), the experience of state-owned fleets of these vehicles, Early Warning Reporting (EWR) data, actions taken by Ford, and certain information submitted by Ford.

In any investigation involving allegations of stalling, ODI examines a number of factors, including: The rate at which stalling occurs in the whole population of subject vehicles (often expressed as the number of vehicles that have experienced the phenomenon per hundred thousand), the speeds at which stalling occurs, the type of operation during which stalling occurs (e.g., when starting, accelerating, decelerating, or cruising), whether the vehicle can quickly be restarted after stalling, whether the stalling affects steering functions, whether the stalling affects

braking functions, and any crashes or other unsafe events that may have resulted from the stalling. In deciding whether or not alleged stalling merits a full investigation, ODI also considers those criteria.

Ford's Actions Concerning These Vehicles

In response to customer complaints about the operation of these vehicles, Ford released two Technical Service Bulletins (TSBs): TSB 05-11-13 and TSB 06-05-05. TSB 05-11-13, issued on June 13, 2005, pertains to both FFV and non-FFV Ford Taurus/Mercury Sable vehicles for MY 2004 and 2005. The TSB addresses the following issues: lack of power at highway speeds, RPM dip after cold start, malfunction indicator lamp (MIL) on with diagnostic trouble code (DTC) P0316, intermediate clutch failure due to low transmission oil pressure, misfire at low load/low RPM, or load surge at low speeds, hard start and rough idle, and inaccurate display of fuel economy in message center. Ford explained that TSB 05-11-13 was created to address specific drivability symptoms associated with the 3.0L engine in MY 2004 through 2005 model Taurus/Sable vehicles, independent of the type of fuel used. The repair procedure for this TSB includes reprogramming the Powertrain Control Module (PCM) with updated software.

TSB 06-05-05, published on March, 20, 2006, pertains to Ford Taurus/Mercury Sable FFVs for MY 2004-2006. This TSB addresses a long crank/hard start condition when the vehicles operate on E85 fuel. Similar to TSB 05-11-13, the repair procedure for this TSB requires reprogramming the PCM with an updated software release.

While the letter from Public Citizen concerns subject vehicles in MY 2003 through 2005, the two TSBs issued by Ford cover MY 2004 through 2005 and 2004 through 2006, respectively. Ford explained that the model years 2001 through 2003 Taurus/Sable vehicles have a different PCM than the MY 2004 through 2006 Taurus/Sable vehicles. Further, the issues brought up in the Public Citizen letter—long crank/hard start and low speed stalls—are predominantly confined to the 2004 to 2006 model year vehicles.

As stated above, Ford issued TSB 06-05-05 to address the long crank/hard start problems associated with MY 2004 through 2006 Ford Taurus/Mercury Sable vehicles. Ford also initiated Extended Coverage Program (ECP) 06N07 to address this condition. Ford did not extend ECP 06N07 to MY 2003 vehicles since these vehicles have a