

capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

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), and Wallace Environmental Testing Laboratories, Inc., of Houston Texas ("WETL") (Registered Importer 09-005) separately petitioned NHTSA to decide whether 2005 Mercedes Benz Type 463 short wheelbase Gelaendewagen multipurpose passenger vehicles are eligible for importation into the United States. NHTSA published notice of the petitions on July 29, 2005 (70 FR 43936) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petitions.

No comments were received in response to the notice of the petitions.

In their petitions, WETL and JK differed with respect to whether the vehicle needed to be modified to conform to certain of the FMVSS, and if it did require such modifications, what those modifications should be. For example, J.K. stated that a lens marked "Brake" would have to be substituted for a lens with a nonconforming symbol on the brake failure indicator lamp, and the speedometer would have to be replaced or converted to one reading in miles per hour to achieve conformity with Standard No. 101, *Controls and Displays*. WETL did not identify these modifications as being needed. J.K. also stated that U.S.-model headlamps would have to be installed to achieve conformity with Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment*. WETL did not identify this modification as being needed, but did state that the U.S.-model turn signal lamps and a U.S.-model high-mounted stop lamp assembly would be needed to achieve conformity with the standard. J.K. also stated that a tire information placard would have to be installed to meet the

requirements of Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*, but WETL did not identify this modification as being needed. Finally, WETL claimed that a rollover valve would have to be installed in the vehicle to comply with Standard No. 301 *Fuel System Integrity*, but J.K. claimed that modifications needed to meet U.S. Environmental Protection Agency (EPA) OBDII, Spit Back, and enhanced EVAP requirements will control all fuel leaks in the case of an impact.

To reconcile these differences, the agency has decided that in addition to the modifications that the two petitioners agreed upon, as set forth in the notice of the petitions, an RI must demonstrate, in the conformity statements submitted for any vehicle imported under this eligibility decision, that the following modifications have been made:

*Standard No. 101 Controls and Displays:* (a) Replacement of the instrument cluster with a U.S.-model component; and (b) reprogramming and initialization of the vehicle control system to integrate the new instrument cluster and activate required warning systems or, substitution of a lens marked "Brake" for a lens with a noncomplying symbol on the brake failure indicator lamp, and replacement or conversion of the speedometer to read in miles per hour.

*Standard No. 108 Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model taillamp assemblies or modification of existing taillamps to conform to the standard; (b) installation of front and rear U.S.-model sidemarker lamps; (c) installation of U.S.-model headlamps; (d) installation of U.S.-model front turn signal lamps; and (e) installation of a U.S.-model high-mounted stoplamp assembly.

*Standard No. 120 Tire Selection and Rims for Motor Vehicles Other than Passenger Cars:* Installation of a tire information placard.

*Standard No. 301 Fuel System Integrity:* Inspection of all vehicles and installation of U.S.-model components on vehicles that are not already so equipped.

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

#### **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. VCP-31 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 has decided that 2005 Mercedes Benz Type 463 short wheelbase Gelaendewagen multipurpose passenger vehicles that were not originally manufactured to comply with all applicable FMVSS have safety features that comply with, or are capable of being altered to comply with, 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.*

[FR Doc. E6-3409 Filed 3-9-06; 8:45 am]

**BILLING CODE 4910-59-P**

#### **DEPARTMENT OF TRANSPORTATION**

#### **National Highway Traffic Safety Administration**

**[Docket No. NHTSA 2005-23554; Notice 2]**

#### **Kawasaki Motors Corp., U.S.A., Grant of Petition for Decision of Inconsequential Noncompliance**

Kawasaki Motors Corp., U.S.A. (Kawasaki) has determined that the tires on certain motorcycles that it imported do not comply with S6.5(d) of 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Kawasaki 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 January 19, 2006, in the **Federal Register** (71 FR 3152). NHTSA received no comments.

Affected are the tires on a total of approximately 2655 motorcycles which were manufactured between June 14, 2003 and October 27, 2005. S6.5(d) of FMVSS No. 119 requires that the maximum load rating and corresponding inflation pressure of the tires be marked on the tire in both English and metric units. The noncompliant tires do not have the metric markings. Kawasaki has corrected the problem that caused these errors so that they will not be repeated in future production.

Kawasaki believes that the noncompliance is inconsequential to

motor vehicle safety and that no corrective action is warranted. Kawasaki states that there is little or no reason to expect an owner of these vehicles to have difficulty inflating the tires properly or understanding the loading information "since the motorcycle owner is provided with the appropriate information in English units, which are far more prevalent in use in the United States." Further, Kawasaki states that the motorcycles are small and most often used for short distance commuting, and therefore "not likely to be ridden outside of the United States to jurisdictions where tire inflation equipment would be less likely to be calibrated in English units."

NHTSA agrees that the noncompliance is inconsequential to safety. The correct English unit information required by FMVSS No. 119 is provided and therefore is likely to achieve the safety purpose of the requirement. NHTSA granted a petition for a similar noncompliance by Bridgestone/Firestone North American Tire, LLC in 2004 (69 FR 75106, December 15, 2004).

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, Kawasaki'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: March 6, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6-3412 Filed 3-9-06; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 6, 2006.

The Department of 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 April 10, 2006 to be assured of consideration.

### Internal Revenue Service (IRS)

*OMB Number:* 1545-XXXX.

*Type of Review:* New.

*Title:* Statement for Individuals who begin or end Bona Fide Residence in a U.S. Possession.

*Form:* IRS Form-8898.

*Description:* Form 8898 is required by new code section 937, which added by the American Jobs Creation Act of 2004. Under 937, individuals must notify the IRS when they begin or end bona fide residence in a U.S. possession. The purpose of the information collected is to prevent abusive tax avoidance.

*Respondents:* Individuals or households.

*Estimated Total Burden Hours:* 389,000 hours.

*Clearance Officer:* Glenn P. Kirkland, (202) 622-3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Michael A. Robinson,**

*Treasury PRA Clearance Officer.*

[FR Doc. E6-3434 Filed 3-9-06; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

#### Amendment of Notice of Allocation Availability (NOAA) for the CY 2006 Allocation Round of the New Markets Tax Credit Program

**AGENCY:** Community Development Financial Institutions Fund, Department of the Treasury.

**ACTION:** Additional information regarding the administration of New Markets Tax Credit allocation authority created by the Gulf Opportunity Zone Act of 2005.

**SUMMARY:** The Gulf Opportunity Zone Act of 2005 (GO Zone Act or Act) was signed into law on December 21, 2005 (Pub. L. 109-135). The GO Zone Act provides \$1 billion of additional New Markets Tax Credit (NMTC) allocation authority for use by Community Development Entities (CDEs) with a significant mission of recovery and

redevelopment of the Gulf Opportunity Zone (GO Zone). The Act makes available an additional \$300 million in allocation authority for each of the calendar year (CY) 2005 and 2006 allocation rounds and an additional \$400 million in allocation authority for the CY 2007 allocation round. Pursuant to Section 45D(f)(3) of the Internal Revenue Code, the Community Development Financial Institutions (CDFI) Fund will carry over the CY 2005 allocation authority to the CY 2006 allocation round that was announced by the Notice of Allocation Availability published on July 15, 2005 (70 FR 41075), as amended on September 14, 2005 (70 FR 54446) (together, the NOAA), such that an additional \$600 million in allocation authority will be available for allocation to applicants in the CY 2006 round of the NMTC Program that satisfy the GO Zone allocation eligibility requirements set forth below.

#### Go Zone Allocation Eligibility:

Through this notice, the CDFI Fund is not soliciting, nor will it accept, any new applications for the CY 2006 NMTC Program allocation round. To be eligible to receive an allocation from the \$600 million of GO Zone allocation authority available in the CY 2006 NMTC Program allocation round, an applicant must meet all of the following criteria:

(i) The applicant must have submitted an allocation application by the deadline required by the NOAA (or by any deadline extension authorized by the CDFI Fund);

(ii) The applicant must have satisfied all eligibility requirements contained in the NOAA (including minimum scoring thresholds set forth in section V.B of the NOAA); and

(iii) The applicant must have a significant mission of recovery and redevelopment of the GO Zone. In order to demonstrate a "significant mission of recovery and redevelopment of the GO Zone," a CDE must have, at a minimum: (A) Indicated (in its response to Question #12 of the allocation application) that the GO Zone is included within its particular geographic service area; (B) specified (in its response to Question #29 of the allocation application) that it intends to target activities to Low-Income Communities in certain Federal Emergency Management Agency (FEMA)-declared disaster areas; and (C) demonstrated to the satisfaction of the CDFI Fund that it has significant resources in the GO Zone to support its recovery and redevelopment efforts and a significant track record of providing financing and related services in the GO Zone.