

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Policy Statement Number PS-ACE100-2005-10039]

**Standardization and Clarification of Application of 14 CFR Part 23, Sections 23.1301 and 23.1309, Regarding Environmental Qualification**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** This notice announces a Federal Aviation Administration (FAA) proposed policy that clarifies and standardizes the application of the subject sections on environmental qualification. This notice advises the public, especially manufacturers of normal, utility, and acrobatic category airplanes, and commuter category airplanes and their suppliers, that the FAA intends to adopt this policy. This notice is necessary to advise the public of this FAA policy and give all interested persons an opportunity to present their views on it.

**DATES:** Comments must be received on or before January 9, 2006.

**ADDRESSES:** Send all comments on the proposed policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT**. Comments may be inspected at the Small Airplane Directorate, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ervin Dvorak, Federal Aviation Administration, Small Airplane Directorate, Regulations & Policy, ACE-111, 901 Locust Street, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4123; fax: 816-329-4090; e-mail: [erv.dvorak@faa.gov](mailto:erv.dvorak@faa.gov).

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to comment on this proposed policy statement by submitting written data, views, or arguments. Identify the proposed policy statement number, PS-ACE100-2005-10039, on your comments. If you submit your comments in writing, send two copies of your comments to the above address. The Small Airplane Directorate will consider all communications received on or before the closing date for

comments. We may change the proposal contained in the policy because of the comments received.

Comments sent by fax or the Internet must contain "Comments to proposed policy statement PS-ACE100-2005-10039" in the subject line. You do not need to send two copies if you fax your comments or send them through the Internet. If you send comments over the Internet as an attached electronic file, format it in Microsoft Word for Windows. State what specific change you are seeking to the proposed policy memorandum and include justification (for example, reasons or data) for each request.

Copies of the proposed policy statement, PS-ACE100-2005-10039, may be requested from the following: Small Airplane Directorate, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, 901 Locust Street, Room 301, Kansas City, MO 64106. In a few days, the proposed policy statement will also be available on the Internet at the following address: <http://www.airweb.faa.gov/policy>.

Issued in Kansas City, Missouri on November 28, 2005.

**David R. Showers,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E5-7022 Filed 12-7-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[USCG-2004-18474]

**Pearl Crossing LNG Terminal LLC, Liquefied Natural Gas Deepwater Port License Application**

**AGENCY:** Coast Guard, DHS; Maritime Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Coast Guard and the Maritime Administration (MARAD) announce the cancellation of all actions related to the processing of a license application for the proposed Pearl Crossing LNG Terminal LLC deepwater port. The action announced here includes cancellation of all activities related to the preparation of an Environmental Impact Statement (EIS) that was announced on Monday, August 16, 2004, in **Federal Register** Volume 69 Number 157 (Notice of Intent to prepare

an Environmental Impact Statement). The action is taken in response to the applicant's decision to withdraw the application.

**DATES:** The cancellation of all actions related to this license application was effective October 19, 2005.

**ADDRESSES:** The Docket Management Facility maintains the public docket for this project. The docket may be viewed electronically at <http://dms.dot.gov> under docket number USCG-2004-18474, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Room PL-401, Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the Pearl Crossing LLC Deepwater Port project, contact LCDR Derek Dostie, Deepwater Ports Standards Division, USCG at (202) 267-0662 or [ddostie@comdt.uscg.mil](mailto:ddostie@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** On October 19, 2005, the Coast Guard and MARAD received notification from the applicant, Pearl Crossing LNG Terminal LLC, that it withdrew its application for a liquefied natural gas deepwater port with associated pipeline facilities 41 miles off the coast of Louisiana in lease block West Cameron number 220. Consequently, the Coast Guard and MARAD are terminating all activities relating to the application. Further information pertaining to this application may be found in the public docket (*see ADDRESSES*).

Dated: November 17, 2005.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.*

**H. Keith Lesnick,**

*Senior Transportation, Specialist, Deepwater Ports Program Manager, U.S. Maritime Administration.*

[FR Doc. E5-7029 Filed 12-7-05; 8:45 am]

**BILLING CODE 4910-15-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 Mr. Ronald Strickland to NHTSA's Office of Defects Investigation

(ODI), received on June 24, 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 the performance of the ignition coil plugs on model year (MY) 2000–2003 Volkswagen (VW) Jetta, Golf and Passat sedans with 4, 6, or 8 cylinder engines. 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 DP05–004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory Magno, Defects Assessment Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** By letter received on June 24, 2005, Mr. Ronald M. Strickland of Raleigh, NC, submitted a petition requesting that the agency investigate the performance of the ignition coils on model year (MY) 2000–2003 Volkswagen Jetta, Golf and Passat sedans.

The petitioner alleges that he had experienced multiple stalling events as

a result of one or more ignition coils malfunctioning on his 2002 VW Jetta. As a result of the engine stalling, the petitioner reported a loss of power steering and the need for increased braking effort when he pulled the vehicle over to the side of the road. After a few minutes parked on the shoulder, he was able to restart and drive the vehicle, although the engine operated at reduced power.

VW issued a Customer Satisfaction Campaign (CSC) on January 31, 2003, instructing their dealerships to inspect 2001–2002 VW vehicles for malfunctioning ignition coils. Pre-campaign letters were sent to owners in February 2003. Any such coils were to be replaced at no cost to the vehicle owner. In May 2003, VW issued a dealer circular, which addressed their need to notify consumers as replacement ignition coils became available. Consumers were notified to bring their vehicles to their dealerships via owner letters mailed out on June 6, 2003. In September 2003, additional notification targeting 2002–2003 VW Golf GTI and Jetta 6-cylinder models was mailed to those owners. In November 2003, reminder notifications were mailed to owners who have not had the campaign repairs done.

Initially, VW instructed the dealerships to replace only the malfunctioning ignition coil. However, revised CSCs were issued to dealerships in December 2003 and January 2004, instructing dealerships to replace all ignition coils regardless of their performance and to include wiring harness modifications needed to perform the campaign on specific MY 2002–2003 Jetta vehicles.

To date, ODI has received a total of 516 consumer complaints (including one from the petitioner) about the ignition coil performance in MY 2000 to 2003 VW vehicles. ODI analyzed the material and identified 133 complaints (25.7% of the total) that experienced the same stall event as the petitioner. The remaining reports voiced concerns regarding the engine drivability issues (*i.e.*, reduced engine power, hesitation and surging), none of which involved a crash, injury, or fatality.

Three of the complainants indicated to ODI that their malfunctioning ignition coils overheated but caused no additional vehicle damage. A fourth consumer reported an engine fire from a failed coil and was able to extinguish the flames, which were localized to the top of the engine intake manifold without further incident.

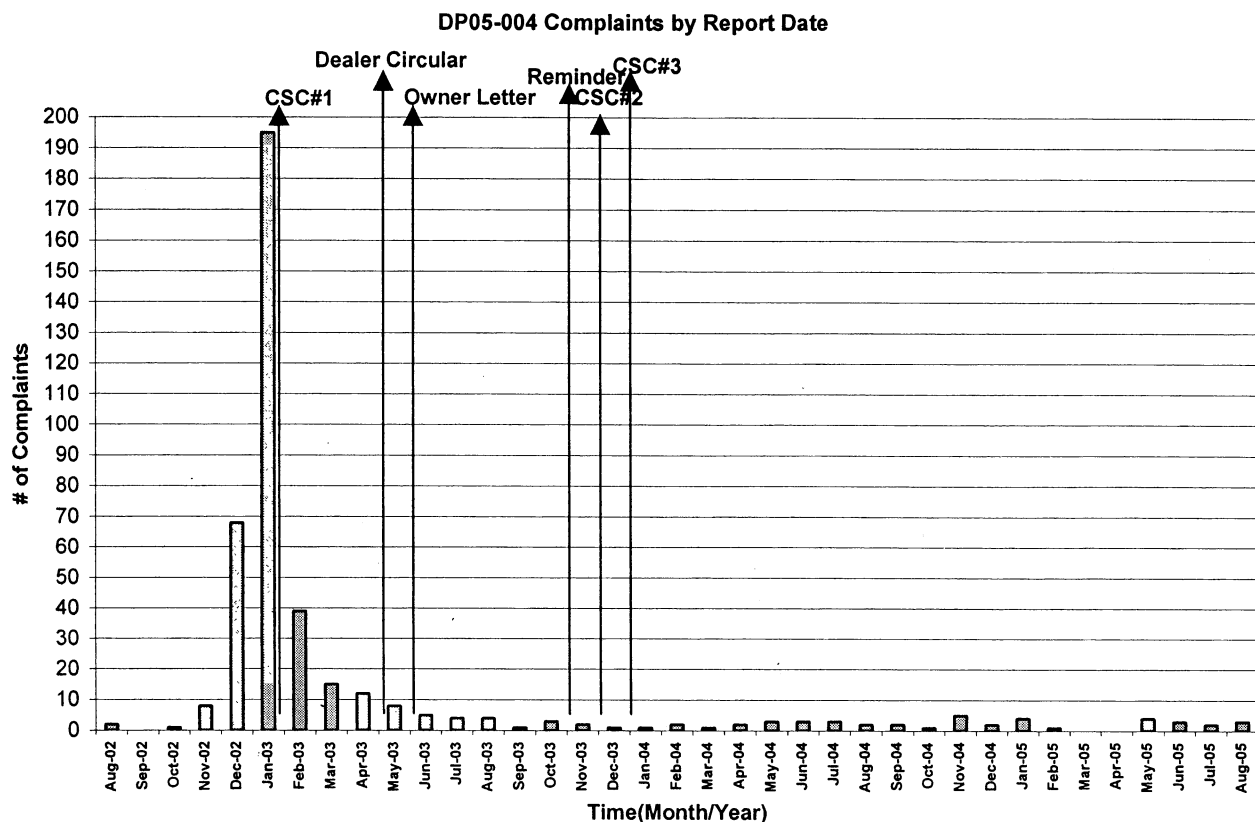


Figure 1: Complaints by Report Date

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.*

[FR Doc. 05-23765 Filed 12-7-05; 8:45 am]

**BILLING CODE 4910-59-P**

## 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