

vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATE:** Submit comments on or before January 30, 2006.

**ADDRESSES:** Comments should refer to docket number MARAD-2005-23445. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5879.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ULTRA VIOLET is:

*Intended Use:* "Day charter, sightseeing voyages."

*Geographic Region:* Narragansett Bay, RI.

Dated: December 23, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. E5-8061 Filed 12-28-05; 8:45 am]

BILLING CODE 4910-21-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. Chris Ruh, Mr. Don

Huston, Mr. Robert Guthrie, Mr. Jeff Babiak, Mr. J. A. Massey, Ms. Michele Brown, Ms. Mary Mabry, Mr. Chris Taylor, and Mr. Victor Aguilar (hereinafter, "Petitioners") to NHTSA's Office of Defects Investigation (ODI), received September 6, 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 cylinder head and spark plug assembly performance of model year (MY) 1997 through 2004 Ford vehicles with Triton V-8 and V-10 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 DP05-005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cheryl Rose, Vehicle Control Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-1869.

#### SUPPLEMENTARY INFORMATION:

On September 8, 2005, ODI received a petition submitted by Mr. Donald W. Ricketts of Santa Clarita, CA, on the behalf of the "Petitioners" requesting that the agency investigate allegations of engine spark plug ejection in certain MY 1997 through 2004 Ford vehicles with Triton V-8 and V-10 engines (hereinafter, subject vehicles). The "Petitioners" allege the following regarding the subject vehicles:

(1) The spark plug-cylinder head assembly design is insufficient to retain the spark plugs in the cylinder heads for the life of the spark plug unless periodically inspected and, if necessary, torqued.

(2) As the vehicle ages, the spark plugs loosen in the threaded head and/or the metal fatigues causing the spark plugs to be blown out of the head.

(3) The millions of subject vehicles containing the Triton V-8 and V-10 engine present a safety hazard to occupants of the vehicle, nearby persons, and other motorists on the road.

(4) The spark plugs shoot out of the cylinder port suddenly and with great force damaging the engine and sometimes puncturing the hood.

(a) Fire and explosion are likely if the plugs puncture nearby fuel lines.

(b) Owners report a strong smell of gasoline vapor after blowouts occur and the cylinder is open, presenting an additional danger of fire and explosion.

(c) The sudden expulsion of the plug out of the head often causes drivers to

be startled and lose control of the vehicle momentarily.

(d) The vehicles always lose power, and often stall.

In response to NHTSA's request for whatever supporting information the "Petitioners" could provide, one petitioner and Mr. Donald Ricketts on behalf of the "Petitioners," submitted several complaints and repair invoices concerning the subject of their allegations. NHTSA has carefully analyzed those submissions, as well as relevant complaints in its own database, interviewed many of the complainants, including some of the "Petitioners," and examined a vehicle containing the alleged defect.

ODI received a total of 474 non-duplicative complaints on the subject vehicles, including the several complaints submitted by Mr. Donald Ricketts on behalf of the "Petitioners" and some complaints received directly from the "Petitioners" where the complainant, or the dealer repairing the vehicle, reported that a spark plug detached from the cylinder and/or ejected from the engine (hereinafter, alleged defect). As of December 8, 2005, ODI is not aware of any allegations where the alleged defect resulted in a loss of vehicle control, a crash, an injury, or a fatality in any of the 10,319,810 subject vehicles. In addition, ODI is aware of only two incidents where the vehicle stalled without restart.

Information contained in the ODI consumer complaints and obtained from 72 telephone interviews with complainants showed the following:

(1) 99% of the complaints were on MY 1997 to 2002 subject vehicles.

(2) Most the complainants reported hearing a loud pop while driving or upon starting up the vehicle followed by a loud, repetitive clicking or popping sound.

(3) Many of the complainants reported that the popping sound was accompanied by some loss of vehicle power; however, in 99% of the incidents reported, the vehicle did not stall. In the very few incidents where the vehicle did stall, most vehicles could be restarted.

(4) Only a small percentage of the complainants cited that they smelled gas or a slight burning smell when the incident occurred.

(5) In all but a very few incidents, vehicle damage was limited to the engine. In one incident, the complainant reported that the fuel rail was damaged and replaced after one of the spark plugs ejected from the engine; however, the complainant reported that the damage did not result in any type of fuel leak

or fire. In another incident, the only incident where a fire was alleged, the complainant reported that no fluid leak was observed, but that a fire resulted after the spark plug had ejected from the engine and he had restarted the vehicle and driven to another location. None of the complainants reported any damage to the vehicle hood.

(6) Only two complainants reported that they observed what appeared to be some drops of fuel coming from the cylinder where the spark plug had failed or on the spark plug itself; however, each of these complainants reported that there was no smoke or flames as a result of his incident.

In addition to its complaint analysis, ODI also examined a subject vehicle containing the alleged defect and observed the following:

(1) One of the spark plugs was detached from the cylinder threads.

(2) The bracket securing the ignition coil and spark plug assembly was broken and when the engine was running, the ignition coil, which was still attached to the engine via its wire harness, would move up and down within the cylinder.

(3) When the engine was running a loud popping or clicking noise was heard.

(4) No fluid leaks or fuel rail, smoke or flame damage was observed.

As the petitioner noted and ODI's analysis showed, it is possible for a spark plug to detach from the engine cylinder threads in the subject vehicles. However, ODI's analysis of 474 complaints describing such incidents found only a very few alleged any safety-related consequences. None of these showed any evidence of a serious safety consequence. Given the large population and relatively long exposure time of the subject vehicles, the complaint analysis indicates that the risk to motor vehicle safety from the alleged defect is very low.

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 Mr. Donald Ricketts, on behalf of the "Petitioners," 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 601.8.

Issued on: December 22, 2005.

Daniel Smith,  
Associate Administrator for Enforcement.  
(FR Doc. 05-8072 Filed 12-28-05; 8:45 am)  
BILLING CODE 4910-28-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

(Docket No. NHTSA-2005-23361)

#### Notice of Receipt of Petition for Decision That Nonconforming 2006 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) Passenger Cars Manufactured Prior to September 1, 2006 Are Eligible for Importation

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

**ACTION:** Notice of receipt of petition for decision that nonconforming 2006 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) passenger cars manufactured prior to September 1, 2006, are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) passenger cars, manufactured prior to September 1, 2006, 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 have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is January 30, 2006.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.] 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 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

**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 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. When there is no substantially similar U.S.-certified counterpart, a nonconforming motor vehicle shall be refused admission into the United States unless NHTSA decides under 49 U.S.C. 30141(a)(1)(B), that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence 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.

G&K Automotive Conversion, Inc. of Santa Ana, California ("G&K") (Registered Importer 80-007) has petitioned NHTSA to decide whether nonconforming 2006 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) passenger cars manufactured prior to September 1, 2006, are eligible for importation into the United States. In its petition, G&K noted that NHTSA has granted import eligibility to 2002-2004 and 2005 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) passenger cars that G&K claims are identical to the 2006 Smart Car Passion, Pulse, and Pure (Coupe and Cabriolet) passenger cars that are the subject of this petition. In its petitions for the 2002-2004 and 2005 vehicles, the petitioner claimed that the vehicles were capable of being altered to comply with all applicable FMVSS (see NHTSA Docket Nos. NHTSA-2003-1401 and NHTSA-2005-21334). Because those vehicles were not