

should be effective as soon as this notice is published in the **Federal Register**.

Issued in Washington, DC, on December 1, 2005.

H. Keith Brewer,

Director, Office of Crash Avoidance Standards.

[FR Doc. E5-6917 Filed 12-6-05; 8:45 am]

BILLING CODE 4910-59-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 Ms. Miriam Schneider to NHTSA's Office of Defects Investigation (ODI), received on August 2, 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 tie rod ends on certain model year (MY) 1999 Volkswagen Passat vehicles not included in two previous safety recall campaigns. 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 herein after identified as DP05-003.

FOR FURTHER INFORMATION CONTACT: Mr. Kyle Bowker, Vehicle Control Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-9597.

SUPPLEMENTARY INFORMATION: On August 2, 2005, ODI received a petition submitted by Ms. Miriam Schneider of Olney, MD requesting an investigation of allegedly defective tie rods in certain MY 1999 Volkswagen Passat vehicles not included in two previous safety recall campaigns (identified henceforth as the subject vehicles). In a September 1999 letter, Volkswagen of America, Inc. (VW) notified the agency that an undetermined percentage of MY 1998-1999 Volkswagen Passat and Audi A4, A6, and A8 vehicles contained a safety-related defect affecting the tie rods in the steering system. VW indicated that it was possible that some tie rods would not seal properly which could allow

moisture and dust particles to enter the swivel bearing mechanism, resulting in premature wear. The approximately 22,200 Volkswagen and 29,700 Audi vehicles affected by this recall (identified by NHTSA Recall No. 99V-248) were built from January 1998 through July 1998 and fell within a specific Vehicle Identification Number (VIN) range.

In November 2000, VW chose to expand the scope of the recall (identified by NHTSA Recall No. 00V-414) after it determined that some potentially defective tie rods may have been installed in an additional 44,000 Volkswagen and 39,000 Audi vehicles built from August 1998 through April 1999. These subject recall actions were not influenced by ODI. Instead, VW made an independent determination to conduct a recall after German vehicle inspection authorities notified it of "worn" tie rods and factory inspection of some "worn" tie rods revealed improper sealing.

According to a December 2004 report, the petitioner brought her MY 1999 Passat to an authorized Volkswagen dealer for an unrelated recall repair where she was notified by service personnel that, after 59,000 miles traveled, the tie rods "have too much play," and the recommended repairs would not be covered free of charge because her VIN (WVWNA63B1XE499116) was outside the recall range. In June 2005, after 65,400 miles traveled, the petitioner paid \$588.59 to replace worn inner and outer tie rod ends on both sides of the vehicle. The petition letter specifically requests that the scope of VW's recall be expanded to include the petitioner's vehicle and that she be reimbursed for the cost of the repairs.

There are a total of 191 non-duplicative complaints to ODI and VW that allege premature wear of either one or both outer tie rod ends in the subject vehicles. As of November 18, 2005, ODI is not aware of any allegations of tie rod separations resulting in a loss of vehicle control, crash or injury in the subject vehicles.

The steering system converts rotary motion of the steering wheel (input) into a turning motion of the vehicle's steered wheels to effect directional control (output). In the subject vehicles tie rods are used to transmit force from both ends of the rack and pinion gearbox to the steering arm at each front wheel. Each tie rod is affixed to the steering arm via a spherical bearing enclosed in a steel body (known as the outer tie rod end) and a bolt. The bearing is protected by a rubber boot that is intended to prevent the intrusion of dirt, dust,

water, and other environmental particles that could contaminate the bearing and cause corrosion and accelerated wear of the ball and socket joint.

In February 1998, VW began using aluminum tie rod ends for both vehicle production and service replacement parts in an effort to reduce weight. VW initiated recall 99V-248 after it determined that the aluminum tie rod ends used in certain MY 1998-99 vehicles were defective. The manufacturer identified a specific production range of vehicles built using aluminum tie rod ends and later expanded the scope (00V-414) to include vehicles built two months before and after this range to ensure that any vehicle that may have been built using defective aluminum tie rod ends was included in the recall action.

Due to aluminum's low inherent material hardness, rapid and excessive wear of the bearing could result if the integrity of the seal is compromised and the bearing is left exposed to the elements. VW reports that damage to the protective rubber boot may be caused by external forces such as impact or in-use damage, or by improper assembly. Design changes intended to improve sealing (revised boot material) and ease of assembly (introduction of stop ring) were implemented. Additionally, the tie rod end was changed from aluminum to a steel body to improve bearing wear characteristics in the event of boot damage. This revised steel tie rod end entered vehicle production in March 1999 and was the replacement part used in the recall remedy.

According to VW, aluminum tie rod ends show a very different pattern for replacement than the steel parts, as evidenced by analysis of consumer complaints and warranty claims. The defective aluminum tie rod ends were replaced at a much lower mileage range, whereas the steel parts are being replaced at a significantly higher mileage after years of service. Steel tie rod ends show a progression of failure symptoms which is clearly demonstrated and confirmed by the complaint reports identified in response to this petition, the vast majority of which include allegations limited to noise and/or excessive wear necessitating replacement during the course of routine maintenance. The manufacturer recommends periodic inspection of the steering system on the subject vehicles, including the tie rods, every 12 months. Furthermore, VW recommends a more detailed inspection of the tie rod ends (and replacement, if necessary) every 4 years or 40,000 miles traveled.

The petitioner's vehicle was manufactured on June 8, 1999 using the revised steel tie rod ends and therefore was already equipped with the tie rod ends used to remedy defective vehicles in the subject recalls. Analysis indicates that there does not appear to be a safety-related defect trend with respect to the steel tie rod ends used in the subject vehicles.

In view of the foregoing, it is unlikely that 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 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 1, 2005.

Daniel Smith,

Associate Administrator for Enforcement.

[FR Doc. E5-6916 Filed 12-6-05; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 229X)]

Union Pacific Railroad Company— Abandonment Exemption—in Ellis County, TX

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 4.57-mile line of railroad known as the Waxahachie Industrial Lead extending from milepost 798.03, near Waxahachie, to milepost 802.60, near Nena, in Ellis County, TX. The line traverses United States Postal Service Zip Code 75165.¹

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the

¹ Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant initially indicated a proposed consummation date of January 5, 2006, but because the verified notice was filed on November 17, 2005, consummation may not take place prior to January 6, 2006. By facsimile received on November 28, 2005, applicant's representative confirmed that the proposed consummation date will be on or after January 6, 2006.

Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 6, 2006, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 16, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 27, 2005, with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 12, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,200. See 49 CFR 1002.2(f)(25).

calling SEA, at (202) 565-1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by December 7, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: November 30, 2005.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E5-6896 Filed 12-6-05; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed New Privacy Act System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury, Internal Revenue Service, gives notice of a proposed new system of records entitled "Treasury/IRS 50.222—Tax Exempt/Government Entities (TE/GE) Case Management Records."

DATES: Comments must be received no later than January 6, 2006. This new system of records will be effective January 17, 2006 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Comments will be available for inspection and copying