

different PCM and are covered under a separate ECP.

A search of Ford's Analytical Warranty System database revealed that of the 649 vehicles receiving the TSB 06-05-05 repair, only 12, or 1.8%, of the vehicles required service for similar issues after the repair. Of these 12, only one vehicle complained of a stall while driving. (As explained below, this stall was apparently not related to use of E85.) This suggests a high TSB effectiveness.

#### The Complaint Cited in the Petition

ODI interviewed the complainant named in the Public Citizen letter and inquired concerning his experiences with the subject vehicle and its performance when operated on either gasoline or E85. The consumer stated that he had purchased a new 2005 Ford Taurus FFV and that, when operating the vehicle on gasoline alone, he had experienced no driving problems. However, when the consumer operated the vehicle on E85, he experienced hard starting and low speed stalls while the engine was cold. The consumer had the adjustments called for by TSB 05-11-13 performed on his vehicle three times, but the problems persisted. He then sold the vehicle back to the Ford dealership after driving only 980 miles. TSB 06-05-05 was never performed on the vehicle.

#### Other Complaints

In addition to the vehicle owned by the complainant discussed above, ODI confirmed only three other vehicles that had experienced instances of stalling from a population of 228,000 vehicles. One, a 2004 Ford Taurus FFV, was the subject of a Vehicle Owner Questionnaire (VOQ) submitted to NHTSA. ODI contacted this consumer and learned that the consumer's main concern was difficulty starting the vehicle. The consumer stated that he brought the vehicle into a repair shop for service and had TSB 06-05-05 performed on his vehicle. Eventually, the work Ford did on the car reduced the hard starting problem and apparently eliminated the stalling problem.

The second vehicle that experienced stalling, a 2005 Ford Taurus FFV, was the subject of a complaint received by Ford and recorded in its complaint database. ODI has contacted this consumer and learned that the consumer experienced both engine stalling and hard starting problems. The consumer did not have TSB06-05-05 performed on his vehicle, and sold the vehicle shortly after his vehicle exhibited these symptoms.

The third vehicle that experienced stalling, a 2004 Ford Taurus FFV, was the vehicle returned for repair after application of TSB 06-05-05, mentioned above. This particular complaint suggested a single stalling event while driving, after which the vehicle restarted with no additional problems. Ultimately, this vehicle was repaired by performing technical service unrelated to the repair methods for engine stalling due to E85 usage. Therefore, the stalling problem was apparently unrelated to E-85 usage, and this vehicle is not considered as one that experienced E85-related stalling.

In total, ODI was able to confirm that just three FFV vehicles (one 2004 Taurus and two 2005 Tauruses) experienced stalls related to E85 operation. ODI was not able to confirm any stalls in the population of 2003 Ford Taurus/Mercury vehicles.

#### Fleet Experience

To assess E85 performance in vehicles most likely to use it frequently, ODI obtained a list of fleets operating the subject vehicles. ODI contacted six of the fleets—the State of Minnesota; the Iowa, Illinois, Nebraska, and Wisconsin Departments of Transportation; and the Minnesota Department of Natural Resources. In total, these fleets operate approximately 500 of the subject vehicles. Five out of the six fleets reported incidents of long crank/hard start in the subject vehicles. However, none of the six fleets reported stalling issues. Fleet customers report that they have taken advantage of the TSBs issued by Ford that address this long crank/hard start issue, and that there have been significant improvements in the subject vehicle performance while using E85 subsequent to the repairs.

#### Conclusions

Nearly all of the allegations concerning the operation of these vehicles involve long crank/hard starting, not stalling. Based on ODI's inquiry, only three of the subject vehicles (out of a population of 228,000 vehicles) have experienced engine stalling in connection with their operation using E85. This indicates a very low rate of stalling that is nearly identical to the rate of stalling in non-FFV Taurus and Sable vehicles and very low when compared to the rates experienced by non-FFV that ODI has reviewed. The stalling that has occurred has apparently not resulted in any crashes, loss of steering or braking control, or high risk events. The stalling seems to occur either at start-up or at low speeds. Moreover, at least with regard to the one vehicle that

experienced stalling apparently related to E85 use and later received the repair procedure called for by Ford's TSB 06-05-05, this procedure seemed to cure the problem.

Due to the very low incidence of vehicle stalling resulting from the use of E85 within the subject vehicles and the extremely low likelihood of an unsafe occurrence arising from the type of stalls that have occurred, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety defect in this matter. NHTSA notes that the issues consumers primarily complain of—namely long crank/hard start and stall while driving—are adequately addressed by the TSBs issued by Ford in response to consumer complaints. Because we believe the petition does not provide a technical basis on which to proceed, and in view of the need to allocate NHTSA's limited resources so as to accomplish the agency's safety priorities, the petition is denied. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The agency will take further action if warranted by future circumstances.

**Authority:** 49 U.S.C. 30162(d); delegation of authority at CFR 1.50 and 501.8.

Issued on: December 13, 2007.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E7-25096 Filed 12-27-07; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket ID PHMSA-97-2995]

#### Pipeline Safety: Random Drug Testing Rate

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of minimum annual percentage rate for random drug testing.

**SUMMARY:** PHMSA has determined that the minimum random drug testing rate for covered employees will remain at 25 percent during calendar year 2008.

**DATES:** Effective January 1, 2008, through December 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Stanley Kastanas, Director, Drug and Alcohol Policy and Investigations, PHMSA, U.S. Department of Transportation, telephone (202) 550-0629 or e-mail [Stanley.kastanas@dot.gov](mailto:Stanley.kastanas@dot.gov).

**SUPPLEMENTARY INFORMATION:** Operators of gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas facilities must select and test a percentage of covered employees for random drug testing.

Pursuant to 49 CFR 199.105(c)(2), (3), and (4), the PHMSA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the pipeline industry. The data considered by the Administrator comes from operators' annual submissions of Management Information System (MIS) reports required by 49 CFR 199.119(a). If the reported random drug test positive rate is less than one percent, the Administrator may continue the minimum random drug testing rate at 25 percent. In 2006, the random drug test positive rate was less than one percent. Therefore, the minimum random drug testing rate will remain at 25 percent for calendar year 2008.

In reference to the notice published in 70 FR 20800, PHMSA intends to publish an Advisory Bulletin specifying the methodology for reporting calendar year 2007 MIS contractor data to PHMSA.

Therefore, operators must ensure records on contract employees continue to be maintained in calendar year 2008.

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

Issued in Washington, DC on December 19, 2007.

**Jeffrey D. Wiese,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. E7-25136 Filed 12-27-07; 8:45 am]

**BILLING CODE 4920-60-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from GATX Rail (WB512-13-10/4/07), for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 245-0317.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-25152 Filed 12-27-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from the Association of American Railroads (WB463-10-9/13/07) for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 245-0317.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-25154 Filed 12-27-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Mayer Brown on behalf of The BNSF Railway Company (BNSF) (WB461-14-9/20/07) for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 245-0317.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-25155 Filed 12-27-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Michael Behe representing FRN, LLC (WB604-5-8/20/07) for permission to use certain data from the Board's 2006 Carload Waybill Sample. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 245-0317.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E7-25159 Filed 12-27-07; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Release of Waybill Data

The Surface Transportation Board has received a request from Saul Ewing on behalf of Trinity Industries, Inc. (WB605-3-8/8/07) for permission to use certain data from the Board's Carload Waybill Samples. A copy of the requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.