bring the GT3 to the height in which the U.S. certified 911's were tested for compliance with the FMVSS.

FMVSS 301 Fuel System Integrity. The fuel tank of the GT3 is significantly different from that of the 911. The GT3's fuel tank has a larger volume and is in a slightly different location than the 911. The GT3's fuel tank extends further towards the front end of the car and may therefore behave differently than that of a 911 in a crash or rollover. The GT3's fuel tank has not been tested for compliance with this standard. The changes submitted in the importer's petition for the fuel system are not sufficient to secure compliance with this standard.

Porsche also commented that insufficient information had been provided by the petitioner to determine whether the proposed modifications were sufficient to ensure compliance with the following FMVSS: FMVSS 101 Controls and displays, FMVSS 108 Lamps, reflective devices and associated equipment, and FMVSS 114 Theft protection.

NHTSA accorded WETL an opportunity to respond to Porsche's comments. WETL responded on December 15, 2001, with the following comments:

FMVSS 102. The GT3 complies with this standard, as the shift lever pattern of the manual transmission is displayed to the driver at all times.

FMVSS 103. The GT3 engine is different from the engine of the 911, however, the heat exchanger and the blower are identical in material make and part number. The GT3 complies with this standard.

FMVSS 105 and FMVSS 135. The braking systems are not identical, but share many components, with the 2000–2001 Twin Turbo 911 sold in the U.S. The GT3 complies with this standard.

FMVSS 106. All brake hoses will be replaced.

FMVSS 201. The noncomplying optional rollbar would be removed from any GT3 vehicle so equipped.

FMVSS 202 and FMVSS 210. The optional bucket seats would be removed from any GT3 vehicle so equipped.

FMVSS 208. More than one air bag unit is available for the GT3. WETL will verify and substitute the air bag units, as necessary.

FMVSS 209. The seat belt assemblies will be changed.

FMVSS 214 and Part 581. The GT3 will be modified to the exact height of the 911 to meet these requirements. Suspension related parts can readily be changed to the U.S. part number.

FMVSS 301. The fuel tank in the U.S. certified 2002 Porsche GT2 that will be imported by Porsche is identical to the GT3 fuel tank.

Porsche's responded on January 22, 2001, with comments by addressing the following FMVSS:

FMVSS 102. The GT3 does not comply with this standard, it does not have a starter interlock.

FMVSS 103. WETL has not adequately addressed the objections concerning the different engine cooling circuits.

FMVSS 105 and FMVSS 135. The GT3 brake system has not been tested, WETL has not provided test data showing compliance.

FMVSS 208 and FMVSS 301. Contrary to WETL claims, the 2002 GT2 will have the same 64 liter fuel tank used in the 1999/2000 911 Carrera. Porsche has no test data using the larger 90 liter fuel tank, and notes that the ''substantially similar'' determination for the GT3 is being made against the 1999/2000 911, not the 2002 GT2.

WETL submitted a final responsive comment on April 6, 2001, that addressed the following FMVSS:

FMVSS 102. The shift lever pattern of the manual transmission is displayed to the driver. A starter interlock is required by the regulation for a manual transmission.

FMVSS 103. The GT3 is equipped with a similar defrost system as found on the 2001 U.S. 911 Twin Turbo.

FMVSS 105 and FMVSS 135. The braking systems are not identical, but share many components with the 2000–2001 Twin Turbo 911. The GT3 complies with this standard.

FMVSS 208 and FMVSS 301. Fuel tanks will be replaced with the U.S. version.

NHTSA has reviewed the comments from Porsche and WETL and has concluded that, due to the substantial differences in suspension, brakes, engine, fuel tank, and vehicle weight, WETL's petition does not clearly demonstrate that the GT3's that are the subject of the petition are eligible for importation. The petition must therefore be denied under 49 CFR 593.7(e).

In accordance with 49 U.S.C. § 30141(b)(1), NHTSA will not consider a new import eligibility petition covering this vehicle until at least three months from the date of this notice.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.8.

Dated: July 27, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety, Compliance.

[FR Doc. 01–19186 Filed 7–31–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–10175]

Notice of Receipt of Petition for Decision That Nonconforming 2001 Mercedes-Benz Gelaendewagen Multi-Purpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2001 Mercedes-Benz Gelaendewagen multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2001 Mercedes-Benz Gelaendewagen MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 31, 2001.

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 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

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 Federal motor vehicle safety standards 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 Federal motor vehicle safety standards.

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety

standards may also be granted admission into the United States, even if there is no substantially similar motor vehicle of the same model year originally manufactured for importation into and sale in United States, if the safety features of the vehicle comply with or are capable of being altered to comply with those standards based on destructive test information or other evidence that NHTSA decides is 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. Motors of Baltimore, Maryland (''J.K.'')(Registered Importer 90–006) has petitioned NHTSA to decide whether 2001 Mercedes-Benz Gelaendewagen MPVs are eligible for importation into the United States. J.K. believes that these vehicles can easily be made to conform to all applicable Federal motor vehicle safety standards (FMVSS).

NHTSA previously approved a request for substantially similar vehicles(66 FR 20708). However, that import eligibility determination was for 1999–2000 Mercedes-Benz Gelaendewagen MPVs (VCP–18) that were certified by Europa International, Inc. (''Europa''), as conforming to all applicable FMVSS, prior to their importation into the United States. While J.K. asserts that there are no substantial differences in the 2001 Mercedes-Benz Gelaendewagen MPVs, there is no certified 2001 model year vehicle on which J.K. can rely under 49 U.S.C. 30141(a)(1)(A).

Therefore, J.K. must petition pursuant to 49 U.S.C. 30141(a)(1)(B). J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 2001 Mercedes-Benz Gelaendewagen MPVs, as originally manufactured, conform to many applicable FMVSS and are capable of being readily altered to conform to any standards with which they do not conform.

Specifically, the petitioner claims that non-U.S. certified 2001 Mercedes-Benz Gelaendewagen MPVs are compliant with Standard Nos. 102 *Transmission Shift Lever Sequence * * *.,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour. The entire instrument cluster will be changed or reprogrammed to bring it into conformity with U.S. standards

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps and front sidemarker lamps; (b) modification of U.S.-model taillamp assemblies [as modified] and addition of U.S.-model marker light assemblies; (c) installation of a U.S.-model high mounted stop lamp assembly.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.—model component etched with the appropriate warning statement.

Standard No. 114 *Theft Protection:* installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly on vehicles that are not already so equipped.

Standard No. 118 *Power Window Systems:* installation, on vehicles that are not already so equipped, of a relay in the power window system so that the windows will not operate when the ignition is switched off.

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

Standard No. 208 *Occupant Crash Protection:* (a) installation of a seat belt warning buzzer, wired to the driver's seat belt latch; (b) inspection of all vehicles imported and replacement of the air bags, control units, sensors, and seat belts with U.S.—model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped with driver's and passenger's side air bags and knee bolsters, with combination lap and shoulder belts that are self-tensioning and that release by means of a single red push button at the front and rear outboard seating positions, and with a lap belt at the rear center seating position.

Standard No. 214 *Side Impact Protection:* Inspection of doorbars and installation of doorbars in vehicles that are not already so equipped.

Before submitting its request, the petitioner asked on July 2, 1999, for a determination of confidentiality regarding certain modifications it planned to make in conforming the vehicle to FMVSS No. 108 and 208. The petitioner asserted that the engineering modifications necessary for testing were substantial and considered proprietary due to the expense of development, and that the information could result in substantial competitive harm if disclosed. The agency granted the petitioner's request on September 1, 1999. Accordingly, the petition that was filed on April 4, 2000, and that is available to the public states, with respect to FMVSS No. 108 that the modifications to the taillamp assemblies have been previously granted confidentiality. With respect to FMVSS No. 208, the petition states that ''This vehicle will meet frontal impact test requirements with structural modifications described in a submission that has been granted confidentiality by NHTSA's Office of Chief Counsel under 49 CFR 512.''

The petitioner also states that a vehicle identification plate must be affixed to the vehicle near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal**

Register pursuant to the authority indicated below.

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.

Issued on: July 27, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 01–19187 Filed 7–31–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 01–10257; Notice 1]

Aprilia, SpA; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

Aprilia SpA of Noale, Italy, has applied for a temporary exemption of its Habana 150 motor scooter, for two years, from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays.* The basis of the request is that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles,'' 49 U.S.C. 30113(b)(3)(iv).

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

If a motorcycle is produced with rear wheel brakes, S5.2.1 of Standard No. 123 requires that the brakes be operable through the right foot control, though the left handlebar is permissible for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of its Habana 150 motorcycle, whose 150 cc engine produces more than the 5 hp maximum that separates motor driven cycles from motorcycles. According to Aprilia, ''the Habana frame has not been designed to mount a right foot operated brake pedal. Applying considerable stress to this sensitive pressure point of the frame could cause failure due to fatigue unless proper design and testing procedures are performed.'' The Habana 150 is described as a ''retro-style'' cruiser scooter, as contrasted with the Aprilia Leonardo 150 sport scooter and the Scarebo 150 touring scooter which we have previously exempted from compliance with the rear brake location requirement of Standard No. 123(see 64 FR 44264 and 65 FR 1225). Absent an exemption, Aprilia will be unable to sell the Habana 150 in the United States because the vehicle would not fully comply with Standard No. 123. It has requested an exemption for two years.

Aprilia argues that the overall level of safety of the Habana 150 equals or exceeds that of a non-exempted motor vehicle for the following reasons. The Habana 150 is equipped with an automatic transmission. As there is no foot operated gear change, ''the operation and use of a motorcycle with an automatic transmission is similar to the operation and use of a bicycle.'' Thus, the Habana 150 can be operated without requiring special training or practice.

Admitting that ''the foot can apply more force than the hand,'' Aprilia believes that this is not important with respect to operation of the Habana 150 because ''even the smallest rider can apply more than enough brake actuation force.'' The petitioner cites tests performed by Carter Engineering on a similar Aprilia scooter to support its statement that ''a motor vehicle with a hand-operated rear wheel brake provides a greater overall level of safety than a nonexempt vehicle.'' See materials in Docket No. NHTSA 98–4357. According to Aprilia, a rear wheel hand brake control allows riders to brake more quickly and securely, it takes a longer time for a rider to find and place his foot over the pedal and apply force than it does for a rider to reach and squeeze the hand lever, and there is a reduced probability of inadvertent wheel locking in an emergency braking situation. Aprilia has provided copies of its own recent test reports on the Habana, dated March 1, 2001, and May 1, 2001, which have been placed in the docket.

Aprilia also points out that European regulations allow motorcycle manufacturers the option of choosing rear brake application through either a right foot or left handlebar control, and that Australia permits the optional locations for motorcycles of any size with automatic transmissions.

An exemption would be in the public interest because the Habana 150 is intended for low-speed urban use, and ''it is expected that it will be used predominantly in congested traffic areas.'' Further, the design of the vehicle has been tested by long use around the world, and ''neither consumer groups nor government authorities have raised safety concerns about this design.'' For this reason, Aprilia argues that an exemption would also be consistent with the objectives of motor vehicle safety.

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The Docket Room is open from 10:00 a.m. until 5:00 p.m. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the application will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 31, 2001.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on July 27, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–19188 Filed 7–31–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–102–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–102–88 (TD 8612), Income, Gift and Estate Tax (Sections 20.2056A–3, 20.2056A–4, and 20.2056A–10).