

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA-99-6009; Notice 2]

W.F. Mickey Body Company, Inc., Grant of Application for Decision of Inconsequential Noncompliance

W.F. Mickey Body Company, Inc. (Mickey Body), a manufacturer of trailers (beverage bodies, van bodies, and vending bodies), is a corporation organized under the laws of the State of North Carolina with its principal place of business located in High Point, North Carolina. Mickey Body has determined that its tire and rim label information, on some units, is not in full compliance with 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Vehicles Other Than Passenger Cars," and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." Mickey Body has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published, with a 30-day comment period, on August 16, 1999, in the **Federal Register** (64 FR 44575). NHTSA received no comments on this application during the 30-day comment period.

Paragraph S5.3 of FMVSS No. 120 states that each vehicle shall show the information specified on the tire information level in both English and metric units. The standard also shows an example of the prescribed format.

After the requirement went into effect on March 14, 1996, from that date to March 1999, Mickey Body manufactured approximately 2,464 beverage trailers, 4,222 beverage bodies, 5,822 van bodies, and 472 vending bodies that do not meet the requirements stated in the standard. The certification label affixed to these Mickey Body's units pursuant to Part 567 failed to comply with S5.3 of FMVSS No. 120 because of the omission of metric measurements, and Mickey Body did not separately provide the metric measurements on another label, an alternative allowed by FMVSS No. 120. The use of metric measurements is required by FMVSS No. 120, pursuant to Federal Motor Vehicle Safety Standards: Metric Conversion, 50 FR 13639, published on March 14, 1995, and effective on March 14, 1996.

Mickey Body supports its application for inconsequential noncompliance with the following relevant statements:

1. NHTSA has previously granted an exemption for inconsequential noncompliance [to Dorsey Trailers, Inc.] under circumstances virtually identical to [Mickey Body's] present case.

2. The omission of the metric data from Mickey Body's certification label is highly unlikely to have any effect whatsoever on motor vehicle safety.

3. Mickey Body currently includes a certification label that expresses the GVWR and GAWR in both English and metric units.

4. Mickey Body is not aware of any accident that was allegedly caused by the omission of metric measurements from a certification label.

The purpose of labeling requirements in S5.3, Label Information, of FMVSS No. 120 is to provide safe operation of vehicles by ensuring that those vehicles are equipped with tires of appropriate size and load rating, and rims of appropriate size and type designation. Section 5164 of the Omnibus Trade and Competitiveness Act (Pub. L. 100-418) makes it the United States policy that the metric system of measurement is the preferred system of weights and measures for U.S. trade and commerce. On March 14, 1995, NHTSA published in the **Federal Register** (60 FR 13693) the final rule that metric measurements be used in S5.3 of FMVSS No. 120. The effective date for this final rule was March 14, 1996.

Paragraph S5.3.2 states that each vehicle shall show the appropriate GVWR, GAWR, and the recommended cold inflation pressure in metric and English units. This information must appear either on the certification label or a tire information label, lettered in block capitals and numerals not less than 2.4 millimeters high, and in the prescribed format.

The agency agrees with Mickey Body that the label on these trailers is likely to achieve the safety purpose of the required label. The vehicle user will have the correct safety information without the metric conversion in the prescribed location. First, all the correct English unit information required by FMVSS No. 120 is provided on the certification label. Second, the information contained on the label is of the correct size. Third, the information contained on the label is in the prescribed format.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance it describes is inconsequential to motor vehicle safety. Accordingly, its application is granted,

and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: December 6, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE TREASURY**Office of the Comptroller of the Currency**

[Docket No. 99-18]

Operating Subsidiary Notice

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for public comment on an operating subsidiary application.

SUMMARY: The Office of the Comptroller of the Currency (OCC) requests public comment concerning an application filed by First Tennessee Bank, N.A., Memphis, Tennessee (First Tennessee Bank) to expand the activities of its operating subsidiary, First Tennessee Securities Corporation (FTSC), to underwrite and deal in, to a limited extent, all types of debt and equity securities (other than ownership interests in open-end investment companies).

DATES: Comments should be submitted by January 10, 2000.

ADDRESSES: Written comments regarding the application should be submitted to the Office of the Comptroller of the Currency, Communications Division, Docket No. 99-18, 250 E Street, SW, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to fax number (202) 874-5274 or by internet mail to regs.comments@occ.treas.gov. A copy of the application and comments received will be available for inspection and copying at the OCC's Public Reference Room, 250 E Street, SW, Washington, DC 20219. Appointments to inspect the application and review any comments received can be made by calling (202) 874-5043.

FOR FURTHER INFORMATION CONTACT: Beth Kirby, Senior Attorney, Securities and Corporate Practices Division, (202) 874-5210, or Stephen Lybarger, NBE—