

2000 through January 2001, do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hankook has petitioned for a determination that the noncompliance is inconsequential to motor vehicle safety. It has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Notice of receipt of application was published, with a 30-day comment period, on April 3, 2001, in the **Federal Register** (66 FR 17747). NHTSA received no comments on this application.

The noncompliance with FMVSS No., 109, paragraph S4.3 (a) relates to a mismarking of the tire size on one mold, Serial Number 24383. The actual stamping in the bead area of the DOT serial side (normally mounted in-board) is P205/75R15 and the correct stamping should have been P205/75R14, which is stamped on the customer side of the tires (normally mounted outboard).

Hankook stated that the estimated 7,600 affected P205/75R14 Dayton Thorobred tires meet all other requirements of FMVSS No. 109. According to Hankook, there is a larger, predominant P205/75R14 correct marking on the mid-sidewall of both sides of the tires and the tire labels supplied to tire dealers with the tires are also marked with the correct tire size information. Furthermore, Hankook stated that an attempt by the company to mount the P205/75R14 tire on a 15-inch rim was unsuccessful since the mounting machine could not apply sufficient force to accomplish the mismatch. Hankook submitted that it was unaware of any adverse effects of this noncompliance and, as a result, believes the noncompliance is inconsequential to motor vehicle safety.

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on tire and rim safety. Tire and rim safety would be adversely affected if these tires, which are 14 inches in diameter, were to be mounted on 15-inch rims. Hankook stated in its petition for inconsequential noncompliance that the tires are mislabeled on one side only, the DOT serial side, which is generally mounted in-board. In addition to the labeling information in the bead area required by FMVSS No. 109, the tire size is marked in large characters in the mid-sidewall area. According to Hankook, these mid-sidewall tire size markings on both sides of the tires are correct and the new tire label supplied to tire dealers with the

tires is also marked with the correct tire size. Since the tire size is marked incorrectly in one location (in-board bead) only, and correctly marked in several other locations, the agency believes it is highly unlikely that the tire size could be misunderstood by a tire service technician. According to Hankook, an attempt to mount one of these 14-inch tires on a 15-inch rim was unsuccessful because the tire-mounting machine could not generate sufficient force to mount the tire on an oversized rim. The agency believes it would highly unlikely that 14-inch diameter tires could be mounted on 15-inch rims in the event they were mistaken to be 15-inch tires. The agency has no knowledge of safety problems that have arisen as a result of tire size mislabeling when the incorrect label indicated that the tire was larger than its actual size. Based on the information provided by Hankook, the agency believes the noncompliance is inconsequential to motor vehicle safety.

In consideration of the foregoing, NHTSA has decided that the applicant has met the burden of persuasion and that the noncompliance is inconsequential to motor vehicle safety. Accordingly, Hankook's application is granted and the applicant is exempted from providing the notification of the noncompliance as 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, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 7, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000-8557; Notice 2]

Uniroyal Goodrich Tire Manufacturing; Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety

Uniroyal Goodrich Tire Manufacturing (Uniroyal) has determined that a total of 284 P205/60R15 Regul Sport Challenger passenger tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Uniroyal has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published, with a 30-day comment period, on January 4, 2001, in the **Federal Register** (66 FR 845). NHTSA received no comments on this application.

FMVSS No. 109, paragraph S4.3(d), requires that each tire have permanently molded into or onto both sidewalls the generic name of each cord material used in the plies (both sidewall and tread area) of the tire. Paragraph S4.3(e) requires that each tire have permanently molded into or onto both sidewalls the actual number of plies in the sidewall, and the actual number of plies in the tread area if different.

The noncompliance with paragraph S4.3 (d) and (e) involves tires that were marked: Tread Plies: 2 Polyester + 2 Steel + 1 Nylon, Sidewall Plies: 2 Polyester, instead of the correct marking of: Tread Plies: 1 Polyester + 2 Steel, Sidewall Plies: 1 Polyester.

Uniroyal states that of the total (284) tires produced, no more than 17 may have been delivered to end users. The remaining tires have been isolated in their warehouses and are being scrapped. Uniroyal does not believe that this marking error will impact motor vehicle safety because the tires meet all applicable Federal motor vehicle safety standards.

The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act of November 2000 required, among other things, that the agency initiate rulemaking to improve tire label information. In response to Section 11 of the TREAD Act, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222). The agency received more than 20 comments addressing the ANPRM, which sought comments on the tire labeling information required by 49 CFR part 571.109 and 119, part 567, part 574, and part 575. Most of the comments were from motor vehicle and tire manufacturers, although several private citizens and consumer interest organizations responded to the ANPRM. With regard to the tire construction (number of plies and type of ply cord material in the tread and sidewall) labeling requirements of FMVSS 109, paragraphs S4.3 (d) and (e), most commenters indicated that the information was of little or no safety

value to consumers. However, the tire construction information is valuable to the tire re-treading, repair, and recycling industries, according to several trade groups representing tire manufacturing. The International Tire and Rubber Association, Inc. (ITRA) indicated that the tire construction information is used by tire technicians to determine the steel content of a tire and to select proper retread, repair, and recycling procedures.

In addition to the written comments solicited by the ANPRM, the agency conducted a series of focus groups, as required by TREAD, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire label information beyond the tire brand name, tire size, and tire pressure.

Based on the information obtained from comments to the ANPRM and the consumer focus groups, we concur that it is likely that few consumers are influenced by the tire construction information (number of plies and cord material in the sidewall and tread plies) provided on the tire label when making a motor vehicle or tire purchase decision. However, the tire repair, retread, and recycling industries do use the tire construction information.

The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is the effect of the noncompliance on the operational safety of vehicles on which these tires are mounted. The safety of people working in the tire retread, repair, and recycling industries must also be considered. Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as the load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgement, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on tire construction information. The agency believes the noncompliance will have no measurable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety

concern of these industries, according to ITRA. In this case, the steel used in the construction of the tires is properly labeled.

In consideration of the foregoing, NHTSA has decided that the applicant has met the burden of persuasion and that the noncompliance is inconsequential to motor vehicle safety. Accordingly, Uniroyal's application is granted and the applicant is exempted from providing the notification of the noncompliance that would be required by 49 U.S.C. 30118, and from remedying the noncompliance, as would be required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 7, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 6, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 12, 2001 to be assured of consideration.

Departmental Offices/Community Development Financial Institutions Fund

OMB Number: 1559-0005.

Form Number: CDFI-0002.

Type of Review: Reinstatement.

Title: Bank Enterprise Award (BEA) Program Application and Final Report.

Description: The CDFI Fund implements a Bank Enterprise Award Program that provides incentives to insured depository institutions to increase their support of CDFIs and their activities in economically distressed communities.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 200.

Estimated Burden Hours Per Recordkeeper:

Application—10 hours.

Final Report—7 hours.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 3,400 hours.

OMB Number: 1559-0007.

Form Number: CDFI-0003.

Type of Review: Reinstatement.

Title: Presidential Awards for Excellence in Microenterprise Development.

Description: The Community Development Financial Institutions (CDFI) Fund implements the Presidential Awards of Excellence in Microenterprise Development Program to recognize outstanding microenterprise development and support organizations and to advance an understanding of "best practices in the field of microenterprise development and bring wider attention to its importance.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 80.

Estimated Burden Hours Per Respondent/Recordkeeper: 35 hours.

Frequency of Response: Annually.

Estimated Total Recordkeeping Burden: 2,800 hours.

OMB Number: 1559-0008.

Form Number: CDFI-0014.

Type of Review: Reinstatement.

Title: Bank Enterprise Award (BEA) Program Annual Survey.

Description: The CDFI Fund's BEA Program helps to promote economic revitalization and community development through an incentive system for insured depository institutions to, among other things, increase their lending to and investment in CDFIs by rewarding participating institutions with awards.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 180.

Estimated Burden Hours Per Recordkeeper: 30 minutes.

Frequency of Response: Annually.

Estimated Total Recordkeeping Burden: 90 hours.

Clearance Officer: Lois K. Holland, (202) 622-1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New