

motor vehicle safety, and its petition is denied.

(Authority: 49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-9036; Notice 2]

#### **Mazda Motors Corporation; Grant of Application for Decision That Noncompliance Is Inconsequential to Motor Vehicle Safety**

Mazda Motors Corporation (Mazda) has determined that certain 1994 model Mazda Navajos and 1994 through 2000 model Mazda B-Series trucks do not meet the rim marking requirements of paragraphs S5.2(a) and S5.2(c) of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Mazda petitioned for a determination that these noncompliance are inconsequential to motor vehicle safety and filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published on May 1, 2001, with a 30-day comment period (66 FR 21820). NHTSA received no comments on this application.

Mazda stated that approximately 218,000 vehicles were manufactured with rims that are not marked with the letter "T", identifying The Tire and Rim Association as the source of the rims' nominal dimensions. Paragraph S5.2(a) requires that rims be marked with a designation indicating a publication in which the rims' dimension specifications are available.

Also, the rims on these vehicles are not marked with the "DOT" symbol, indicating certification of compliance with all applicable motor vehicle safety standards, as required by paragraph 5.2(c).

According to Mazda, the marking required in paragraph S5.2(a) to identify the source of the rim dimension specifications has no effect on the tire/rim performance. The tires and rims on the noncompliant vehicles are properly

matched and are appropriate for the load carrying characteristics of these vehicles. Paragraph S5.2(a) lists several publications in which vehicle rim dimension specifications may be published, including "The Tire and Rim Association," "Japanese Automobile Tire Manufacturers' Association, Inc.," and the "European Tyre and Rim Technical Organization." According to Mazda, a comparison of the dimension specifications for rims of the appropriate size and type indicated that the dimensions listed in these publications are essentially identical. Therefore, rims of the correct size, with dimension specifications listed in several of the sources designated in paragraph S5.2(a), would be appropriate for these vehicles. The rims in question are 14X6.0J and 15X7.0J, which Mazda stated are commonly available in the U.S. With respect to the DOT symbol marking, Mazda stated that the rims comply with all federal requirements that may have an impact on motor vehicle safety and, therefore, it does not believe this noncompliance with paragraph S5.2(c) would result in safety related problems.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with paragraph S5.2(a) is the likelihood that inappropriate rims may be installed on these vehicles, since the rims are not marked to indicate the source of the rims' dimension specifications. Based on the information provided by Mazda, the omission of the symbol designating the publication in which the rim dimension specifications will not likely result in the use of rims with dimensions that are not appropriate for the vehicle. The rim size is properly labeled on these rims and the dimension specifications for these rims are essentially identical in several of the publications listed in the standard. Since it is highly unlikely that a replacement rim of the proper size and type would have dimensions that are unsuitable for the Mazda vehicles, and the recommended tire size(s) and associated rim size(s) are stated on the certification and/or tire information labels, the agency believes the noncompliance is inconsequential to motor vehicle safety.

The "DOT" symbol is marked on tires, tire rims, motor vehicle equipment items, and motor vehicles to certify compliance with various safety standards. The agency regards the noncompliance with paragraph S5.2(c) as a failure to comply with the certification requirements of 49 U.S.C. 30115, and not a compliance failure requiring notification and remedy.

In consideration of the foregoing, NHTSA has decided that the applicant has met the burden of persuasion that noncompliance with FMVSS No. 120, paragraph S5.2(a) is inconsequential to motor vehicle safety. Additionally, the noncompliance with paragraph S5.2(c) is inconsequential to motor vehicle safety and a failure to comply with certification requirements. Accordingly, Mazda's application is granted and the company 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. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

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**Stephen R. Kratzke,**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-10696; Notice 1]

#### **Volkswagen of America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance**

Volkswagen of America, Inc. (Volkswagen), has determined that approximately 225,000 vehicles produced from 1977 to August 6, 2001, do not meet the labeling requirements of paragraph S5.3(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 120 "Tire Selection and Rims for Motor Vehicles Other than Passenger Cars". Pursuant to 49 U.S.C. 30118(d) and 30120(h), Volkswagen has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR 573, "Defect and Noncompliance Reports."

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The noncompliant vehicles were produced by Volkswagen AG and were imported by Volkswagen. The noncompliance relates to multipurpose passenger vehicles produced and imported under the Vanagon and Eurovan model designations. In these vehicles, Volkswagen did not include