

the purchasers of the subject vehicles with a letter which reads in part as follows: "Mazda has learned that on some vehicles equipped with Dunlop or Yokohama 15" tires, the size specification stamped on the side-wall of the tire, the driver's door label and the tire specification label in the Owner's Manual is incorrectly marked as P205/65R15 92S. The correct tire size is 205/65/R15 94S. Additionally, the letter 'P' has been removed from the tire size number. As these tires meet the '94S' specification, they will not need to be replaced \* \* \* If there is a need to replace any of these tires in the future due to normal wear, please make certain the replacement tires have the '94S' rating."

Mazda's petition also stated that the company produced 6,036 vehicles with 15-inch steel rims that are noncompliant with the requirements of FMVSS No. 120, S5.2. These rims are marked with the correct size designation, rim manufacturer information, and date of production. However, the rims are not marked with a designation indicating the source of the rims' published nominal dimensions, as required by S5.2(a), or the "DOT" symbol required by S5.2(c).

Mazda argued that the noncompliance with S5.2(a) is inconsequential to motor vehicle safety because the dimensions for the 15X6JJ rim do not vary significantly among the different publication sources. Mazda has compared the dimensions of the 15X6JJ rims in the Japanese Automobile Tire Manufacturers Association and the Tire and Rim Association Year Books for the year 2000 and determined that the rims are interchangeable. According to Mazda, any rim of the correct size designation (15X6JJ) should be appropriate for use on the 2000 Mazda MPV. With respect to the DOT symbol marking, Mazda argued that the 15-inch steel rims comply with all federal requirements that may have an impact on motor vehicle safety and does not consider this noncompliance to be a safety problem.

The agency believes the true measure of inconsequentiality in the case of the noncompliance with FMVSS No. 120, paragraph S5.1.2 is the safety of the vehicles that are in noncompliance and the likelihood that the tires on these vehicles would be placed in an unsafe, overloaded situation. Mazda received documents from Yokohama and Dunlop stating that the subject tires meet the maximum load requirements for tires with a load rating of 670 kg, or a load index of 94S. Additionally, Mazda informed owners of the subject vehicles via letter that when the original

equipment tires are replaced, they should be replaced with tires with a maximum load rating of at least 670 kg, or a 94S load index. The letter to the vehicle owners also informed the owners that the tire size information in the owner's manual and on the vehicle certification label contains errors and included corrected owner's manual insert pages and a revised certification/tire information label. Thus, the agency believes that the noncompliant tires would not be a safety problem.

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. Based on the information provided by Mazda, the omission of the symbol designating the publication in which the rim dimensions can be obtained 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. The specifications for the significant dimensions (diameter, width, etc.) of 15X6JJ rims listed in the Tire and Rim Association's 2000 Year Book and the Japanese Automobile Tire Manufacturers Association's 2000 Year Book indicate that the rims are interchangeable. 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, 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 its burden of persuasion that the noncompliance with FMVSS No. 120, paragraphs S5.1 and S5.2, are inconsequential to motor vehicle safety. 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. 30118, 301120; delegations of authority at 49 CFR 1.50 and .501.8)

Issued on: April 17, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-10696; Notice 2]

### Volkswagen of America, Inc., Grant of Application for Decision of Inconsequential Noncompliance

Volkswagen of America, Inc., (Volkswagen) has determined that approximately 225,000 vehicles produced between 1977 and 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 part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published, with a 30-day comment period, on October 3, 2001, in the **Federal Register** (66 FR 50499). NHTSA received no comments.

The noncompliant vehicles were produced by Volkswagen AG and were imported by Volkswagen. The noncompliance relates to MPVs produced and imported under the Vanagon and EuroVan model designations. On these vehicles, the manufacturer did not include tire size and rim designation on the certification label specified by 49 CFR part 567, but rather utilized the option in S5.3(b) of FMVSS 120 to provide that information on the separate tire information label. In doing so however, Volkswagen neglected to include the required vehicle GVWR and GAWR information on the tire information label.

Volkswagen believes that the failure of the tire information label to include the vehicle weight values is inconsequential to motor vehicle safety because the weights are included on the certification label and both labels are mounted on the driver side B-pillar of the vehicle.

Consumers interested in the vehicle weights would be able to find the values on the certification label where they are

included pursuant to the requirements of Section 567.4.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with FMVSS No. 120, paragraph S5.3, is whether the GVWR and GAWR information is readily available to consumers. One of the reasons that FMVSS No. 120 requires that both labels include the GVWR and GAWR information is the fact that the labels need not be located close to one another. According to Volkswagen, the vehicle certification label, which includes the GVWR and GAWR, and the tire information label are adjacent to one another on the noncompliant vehicles. Both labels are mounted on the driver's side B-pillar, negating the need for both labels to include the GVWR and GAWR information. The agency believes this reduces the likelihood that consumers would not be able to locate this information.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Volkswagen's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: April 17, 2002.

**Stephen R. Kratzke,**  
*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2001-10695; Notice 2]

### Volkswagen of America, Inc., Grant of Application for Decision of Inconsequential Noncompliance

Volkswagen of America, Inc., (Volkswagen) has determined that approximately 5,772 vehicles produced between July 2000 and June 22, 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 part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published, with a 30-day comment period, on October 3, 2001, in the **Federal Register** (66 FR 50500). NHTSA received no comments.

The noncompliant vehicles were produced by Audi AG and were imported by Volkswagen. The noncompliance relates to MPVs produced and imported under the Audi Allroad Quattro model designation. On these vehicles, the manufacturer did not include tire size and rim designation on the certification label specified by 49 CFR part 567, but rather utilized the option in S5.3(b) of FMVSS 120 to provide that information on the separate tire information label. In doing so however, Volkswagen neglected to include the required vehicle GVWR and GAWR information on the tire information label.

Volkswagen believes that the failure of the tire information label to include the vehicle weight values is inconsequential to motor vehicle safety because the weights are included on the certification label and both labels are mounted on the driver side B-pillar of the vehicle. Consumers interested in the vehicle weights would be able to find the values on the certification label where they are included pursuant to the requirements of Section 567.4.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with FMVSS No. 120, paragraph S5.3, is whether the GVWR and GAWR information is readily available to consumers. One of the reasons that FMVSS No. 120 requires that both labels include the GVWR and GAWR information is the fact that the labels need not be located close to one another. According to Volkswagen, the vehicle certification label, which includes the GVWR and GAWR, and the tire information label are adjacent to one another on the noncompliant vehicles. Both labels are mounted on the driver's side B-pillar, negating the need for both labels to include the GVWR and GAWR information. The agency believes this reduces the likelihood that consumers would not be able to locate this information.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Volkswagen's application is hereby granted, and the applicant is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

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**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Surety Companies Acceptable on Federal Bonds: Name Change and Change in State of Incorporation—Commercial Casualty Insurance Company of Georgia

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 20 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874-6779.

#### SUPPLEMENTARY INFORMATION:

Commercial Casualty Insurance Company of Georgia has formally changed its name to Commercial Casualty Insurance Company of North Carolina and has redomesticated from the state of Georgia to the state of North Carolina, effective December 21, 2001. The Company was last listed as an acceptable surety on Federal bonds at 66 FR 35033, July 2, 2001.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 revision, on page 35033 to reflect this change.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570/index.html>. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512-1800. When ordering the Circular from GPO, use the following stock number: 769-004-04067-1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6F07, Hyattsville, MD 20782.