

make, line, and model which were tabulated by insurance companies, and rental and leasing companies. Comprehensive premium information for each of the reporting insurance companies was also included. This report, the fourteenth, discloses the same subject information and follows the same reporting format.

Issued on: June 4, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Recall Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for an investigation into the adequacy of a safety recall.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30120(e) by Mr. Philip N. McBroom, requesting that the agency commence a proceeding to determine the adequacy of the remedy utilized by DaimlerChrysler Corporation to address a safety-related defect in Safety Recall 98V-184. After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as RP04-001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan White, Chief, Defect Assessment Division, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5226.

**SUPPLEMENTARY INFORMATION:** On February 6, 2004, Mr. Philip N. McBroom submitted a petition requesting that the agency investigate the adequacy of the remedy used by DaimlerChrysler in Safety Recall 98V-184. The petition alleges his model year (MY) 1997 Dodge Intrepid had an engine compartment fire after the recall repairs had been made to his vehicle prior to his ownership. He further alleges that he smelled fuel fumes and did not observe any exterior fuel leakage from the vehicle prior to the fire. The vehicle was a total loss and has been

salvaged. The specific cause of this alleged fire is not known.

On August 6, 1998, DaimlerChrysler filed a Defect Information Report, Recall No. 98V-184, concerning engine compartment fuel rail leaks and potential fire in approximately 722,600 vehicles built with 3.5L V6 engines, including the MY 1997 Dodge Intrepid. DaimlerChrysler reported that a fuel leak could result from deteriorated nitrile rubber fuel rail o-rings or hairline cracks in the outlet (passenger) side thermoset plastic fuel injection rail. The recall remedy involved replacement of the fuel rail nitrile o-rings with new o-rings of fluorocarbon composition and reinforcement of the outlet fuel rail. Those vehicles that exhibit fuel leakage of the outlet fuel rail, as determined by a leak test, would have the outlet fuel rail replaced.

On July 10, 1998, NHTSA opened a recall query (RQ98-018), to examine the adequacy of the remedy DaimlerChrysler used in recall 98V-184. At its closing on July 8, 2002, it concluded approximately 80 percent of the recall population has been remedied by March 2002, and that 99.7 percent of alleged remedy failures were corrected after two dealer visits using DaimlerChrysler's modified remedy procedures. Since the closing of RQ98-018 ODI has received a total of 38 complaints of engine compartment fuel leakage in the entire recall population after the recall remedy was performed, including 11 complaints on the 1997 Dodge Intrepid. Of these 11 reports, three concerned a part failure unrelated to the recall remedy, two concerned the same part, and six reports concerned unknown or unspecified fuel component failures. Two of these 11 complaints reported an engine compartment fire, including Mr. McBroom's vehicle. Mr. McBroom's vehicle was investigated by the local North Star Fire Department, which stated that the cause of the engine compartment fire was undetermined.

On September 11, 2000, ODI was petitioned (RP00-001) to investigate the effectiveness of DaimlerChrysler's remedy procedure in recall 98V-184. On October 23, 2000, the petitioner was informed that the information she provided would be considered as part of RQ98-018. The information obtained in the investigation has shown that while post-repair leakage complaints have leveled off to approximately 20 per year, most are unrelated to the recall remedy. There is no new information obtained since the closing of RQ98-018 that would indicate any basis for reopening it.

For the foregoing reasons, further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. Therefore, the petition is denied.

**Authority:** 49 U.S.C. 30120(e); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 3, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15819; Notice 2]

#### Mitsubishi Motors North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Mitsubishi Motors North America, Inc. (MMNA) has determined that approximately 25,832 vehicles equipped with new pneumatic tires failed to comply with certain provisions mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 110, "Tire selection and rims," regarding the vehicle normal load.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), MMNA has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and had 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 September 15, 2003, in the **Federal Register** (68 FR 54047). NHTSA received no comment on this application.

Mitsubishi Motors Sales Caribbean, Inc., and DaimlerChrysler Corporation (at that time, Chrysler Corporation) imported and distributed approximately 25,832 vehicles (Mitsubishi Mirages and Chrysler Eagle Summits), during the periods of September 22, 1994, through May 9, 1996. FMVSS No. 110, "Tire selection and rims," S4.2.2, mandates that the vehicle's normal load on each tire must not exceed the test load for the high speed performance test as specified in FMVSS No. 109, "New pneumatic tires," paragraph S5.5. Paragraph S5.5.1 requires that the tire and wheel assembly be mounted and pressed against the test wheel with a load of 88 percent of the tire's maximum load rating as marked on the tire sidewall.

As reported by MMNA, the tires on the front axle of each affected vehicle,

when loaded at the vehicle normal load, slightly exceed 88 percent of the respective tires maximum load rating. Specifically, the vehicle's normal load exceeds 88 percent of the maximum load rating by approximately 6kg, which means that the normal load is 89.5 percent of the maximum load rating. The noncompliance resulted from a running change during the 1995 model year that added a three-speed automatic transmission that increased the curb weight by 15kg resulting in a front axle load increase of 12kg and a rear axle load increase of 3kg. FMVSS No. 110 requires that the vehicle's normal load on each tire must not be greater than the high speed performance test load, which is 88 percent of the maximum load rating as stated on the tire sidewall. Compliance with FMVSS No. 110, S4.2.2, was calculated, by MMNA, based on the original curb weight (without the three-speed transmission) at the vehicle normal load.

Noting that the noncompliance occurred with vehicles manufactured prior to August of 1995, NHTSA agrees that motor vehicle safety would not be adversely impacted since the original equipment tires fitted to the affected vehicles have more than likely been replaced with a larger tire size. This is because the original equipment P145/80R13 size tire is no longer being manufactured by most tire manufacturers and has been eliminated from the Tire and Rim Association Year Book after 1998 causing its availability to drop significantly. MMNA believes, and the agency agrees, that most consumers would have likely replaced their original equipment tires with P155/80R13 size tires, which have a high enough load carrying capacity to meet the requirements of FMVSS No. 110 when fitted to the affected vehicles.

NHTSA 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 fact that most of these vehicles have been in operation for close to nine years and likely have worn out the original equipment tires leads the agency to believe that the original noncompliance has no effect on the performance of the subject vehicles today.

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

remediating the noncompliance, as required by 49 U.S.C. 30120.

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

Issued on: June 4, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

#### Office of Thrift Supervision

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Agency Information Collection Activities; Proposed Revision of Information Collection; Comment Request

**AGENCIES:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Joint notice and request for comment.

**SUMMARY:** The OCC, Board, FDIC, and OTS (Agencies), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on proposed revisions to a continuing information collection, as required by the Paperwork Reduction Act of 1995. The Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Agencies are soliciting comments on proposed revisions to the information collections titled: "Interagency Biographical and Financial Report" and "Interagency Notice of Change in Control." Additionally, the OCC is making other clarifying changes to the Comptroller's Licensing Manual. Also, the Board is proposing to extend, without revision, the Interagency Notice of Change in Director or Senior Executive Officer.

**DATES:** You should submit written comments by August 9, 2004.

**ADDRESSES:** Interested parties are invited to submit comments to any or all of the Agencies and the OMB Desk Officer. All comments, which should refer to the OMB control number, will be shared among the Agencies:

**OCC:** Office of the Comptroller of the Currency, Public Information Room, 250 E Street, SW., Mail Stop 1-5, Attention: 1557-0014, Washington, DC 20219. Due to delays in paper mail delivery in the Washington area, commenters are urged to fax comments to (202) 874-4448, or e-mail comments to [regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov). You may make an appointment to inspect and photocopy comments by calling (202) 874-5043.

**Board:** Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov), or faxing them to the Office of the Secretary at 202-452-3819 or 202-452-3102. Members of the public may inspect comments in Room MP-500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

**FDIC:** Comments may be mailed to Tom Nixon, Paperwork Clearance Officer, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments also may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. or submitted by e-mail to [tnixon@fdic.gov](mailto:tnixon@fdic.gov). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

**OTS:** Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: 1550-0005, -0015, -0032, -0047, FAX Number (202) 906-6518, or e-mail to [infocollection.comments@ots.treas.gov](mailto:infocollection.comments@ots.treas.gov). OTS will post comments and the related index on the OTS Internet Site at [www.ots.treas.gov](http://www.ots.treas.gov). In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906-