

At least one end fitting of a hydraulic brake hose assembly shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly.

Delphi believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Delphi states that the subject brake hose assemblies meet the functional performance requirements of the standard for the hose, the fittings, and the assembly, and therefore will perform exactly as intended in the vehicle and will not in any way affect the safety of the vehicle.

Delphi states that, since S5.2.4 allows a band to be placed around the hose as an alternative to embossing the logo on one of the fittings, if the S5.2.4 option had been used, the band would be placed on top of the brake hose, which already contains the same logo, which appears to be redundant. Delphi also asserts that, since the brake hose assemblies at issue are only sold by the vehicle manufacturer's parts division, if the vehicle owner desired to know the brake hose assembly manufacturer, the vehicle manufacturer could provide this information. Delphi states that since these brake hoses are specific to a specific vehicle, and are not sold at normal consumer automotive retail outlets, the person desiring to replace the brake hose assembly could only find them at the vehicle manufacturer's authorized outlet.

The agency agrees that the noncompliance of the brake hose assemblies is inconsequential to motor vehicle safety. Because the manufacturer of the hose and the fitting are the same, and the manufacturer's logo that should be on the fitting is printed on all of the hose that is part of the assembly, in this particular case the label on the brake hose fitting is redundant to the label on the brake hose itself. Delphi has corrected the problem.

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

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

Issued on: July 1, 2004.

Kenneth N. Weinstein,
Associate Administrator for Enforcement.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2004-17439; Notice 2]

Kia Motors America, Inc. and Kia Motors Corp., Grant of Petition for Decision of Inconsequential Noncompliance

Kia Motors America, Inc. and Kia Motors Corp. (Kia) have determined that certain vehicles that Kia produced do not comply with provisions of Federal Motor Vehicle Safety Standard (FMVSS) Nos. 101, "Controls and displays," 105, "Hydraulic and electric brake systems," and 135, "Passenger car brake systems." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Kia 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 petition was published with a 30 day comment period on April 20, 2004 in the **Federal Register** (69 FR 21188). NHTSA received no comments.

A total of approximately 496,058 vehicles are affected. These vehicles do not meet the letter height requirements for brake system warning lights for the abbreviation "ABS" and in some cases the word "brake." FMVSS No. 101, "Controls and displays," Table 2, Column 3, "Identifying Words or Abbreviation," with regard to brake systems says, "* * * see FMVSS 105 and 135." S5.3.5 of FMVSS No. 105, "Hydraulic and electric brake systems," requires that "Each indicator lamp shall display word, words or abbreviation * * * which shall have letters not less than 1/8 -inch high." S5.5.5 of FMVSS No. 135 requires that "Each visual indicator shall display a word or words * * * [which] shall have letters not less than 3.2 mm (1/8 inch) high."

A total of 460,792 vehicles do not meet the letter height requirements for the word "brake" and abbreviation "ABS" for brake warning systems. These noncompliant vehicles are 143,046 MY 2000-2001 Sephias with a "brake" letter height of 2.2 mm and an "ABS" letter height of 1.7 mm, 128,565 MY 2002-2004 Sedonas with a "brake" letter height of 1.9 mm and an "ABS" letter height of 1.9 mm, and 189,181 MY

2000-2004 Spectras with a "brake" letter height of 2.2 mm and an "ABS" letter height of 1.7 mm.

An additional 35,266 vehicles do not meet the letter height requirements for the abbreviation "ABS." These noncompliant vehicles are 957 MY 1995-1999 Sephias with an "ABS" letter height of 2.8 mm, 33,023 MY 2003-2004 Sorentos with an "ABS" letter height of 1.9 mm, and 1286 MY 2001-2004 Rios with an "ABS" letter height of 2.0 mm.

Kia believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted. Kia states that the brake and ABS system warning lights are positioned for ready viewing by the driver, and that they are illuminated in red (brake warning light) or yellow (ABS light), colors that are generally understood by vehicle users to be indicators of unsafe condition.

Kia further states that the brake and antilock system warning lights in all the Kia vehicles involved in this petition include an International Standards Organization (ISO) symbol combined with the word "brake" or the abbreviation "ABS." Kia states that it believes the ISO symbols which it uses in conjunction with the word "brake" and abbreviation "ABS" are commonly understood by the driving public. Kia says that, although the "brake" or "ABS" lettering within the warning light is less than the minimum letter height standard of 3.2 mm, the combined height of the entire brake or ABS warning light symbol and lettering ranges from a low of 6 mm for the brake light in the Kia Sephia to a high of 6.8 mm for the ABS light in the Kia Sedona, which significantly exceeds the 3.2 mm standard of FMVSS Nos. 101, 105, and 135.

Kia asserts that all these factors combine to assure an easily identifiable and readable display. In this regard, Kia points out that in 1982, NHTSA granted a Subaru of America, Inc. petition involving passenger vehicles where the lettering of "brake" was only 2.2 mm high, but which used the ISO symbol in conjunction with the word "brake" (47 FR 31347). In 1986, NHTSA granted an Alfa Romeo, Inc. petition involving passenger vehicles which used the ISO symbol instead of the word "brake" (51 FR 36769). In 1994, NHTSA granted a Ford Motor Company petition involving passenger vehicles which similarly used the ISO symbol instead of the word "brake" (59 FR 40409).

The agency agrees with Kia this noncompliance will not have an adverse effect on vehicle safety. Due to the positioning, color, use of the ISO

symbol, and combined size of both the lettering and symbols, it is very unlikely that a vehicle user would either fail to see or fail to understand the meaning of the brake or ABS warning light in the affected vehicles. The information presented by the telltales is correct. Kia has not received any complaints regarding the size or visibility of either light. Kia has corrected the problem.

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

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

Issued on: July 1, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF VETERANS AFFAIRS

Fund Availability Under the VA Homeless Providers Grant and Per Diem Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is announcing the availability of funds for applications for assistance under the Life Safety Code grant component of VA's Homeless Providers Grant and Per Diem Program. This Notice contains information concerning the program, application process, and amount of funding available.

DATES: An original completed and collated grant application (plus two completed collated copies) for assistance under the VA's Homeless Providers Grant and Per Diem Program must be received in the Grant and Per Diem Field Office by 4 p.m. eastern time

on August 17, 2004. Applications may not be sent by facsimile (FAX). In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their material to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

For a Copy of the Application Package: Download directly from VA's Grant and Per Diem Program Web page at <http://www.va.gov/homeless/page.cfm?pg=3> or call the Grant and Per Diem Program (toll-free) 1-877-332-0334. For a document relating to the VA Homeless Providers Grant and Per Diem Program, see the Final Rule published in the **Federal Register** on September 26, 2003.

Submission of Application: An original completed and collated grant application (plus two copies) must be submitted to the following address: VA Homeless Providers Grant and Per Diem Field Office, 10770 N. 46th Street, Suite C-100, Tampa, Florida 33617. Applications must be received in the Grant and Per Diem Field Office by the application deadline. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected or not funded.

FOR FURTHER INFORMATION CONTACT: Guy Liedke, VA Homeless Providers Grant and Per Diem Program Field Office, Department of Veterans Affairs, 10770 N. 46th Street, Suite C-100, Tampa, FL 33617 or phone (toll-free) 1-877-332-0334.

SUPPLEMENTARY INFORMATION: This Notice announces the availability of funds for assistance under VA's Homeless Providers Grant and Per Diem Program for eligible capital grantees who received a previous grant under section 3 of the Homeless Veterans Comprehensive Service Act of 1992 (Pub. L. 102-590; 38 U.S.C. 7721 note)

for construction, renovation, or acquisition of a facility and may seek a Life Safety Code grant solely for renovations to such facility to comply with the Life Safety Code of the National Fire Protection Association.

Pub. L. 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, authorizes this program. Funding applied for under this Notice may be used solely for renovations to such facility to comply with the Life Safety Code of the National Fire Protection Association.

Authority: VA's Homeless Providers Grant and Per Diem Program is authorized by Pub. L. 107-95, section 5(a)(1) the Homeless Veterans Comprehensive Assistance Act of 2001 codified at 38 U.S.C. 2011, 2012, 2061, 2064 and has been extended through Fiscal Year 2005. The program is implemented by the final rule codified at 38 CFR 61.0. The final rule was published in the **Federal Register** on September 26, 2003. The regulations can be found in their entirety in 38 CFR Sec. 61.0 through 61.82. Funds made available under this Notice are subject to the requirements of those regulations.

Allocation: Approximately \$2 million is available for the Life Safety Code grant component of this program.

Funding Priorities: None.

Application Requirements: The specific grant application requirements will be specified in the application package. The package includes all required forms and certifications. Selections will be made based on criteria described in the application.

Applicants who are selected will be notified of any additional information needed to confirm or clarify information provided in the application. Applicants will then be notified of the deadline to submit such information. If an applicant is unable to meet any conditions for grant award within the specified time frame, VA reserves the right to not award funds and to use the funds available for other grant and per diem applicants.

Dated: June 24, 2004.

Anthony J. Principi,

Secretary of Veterans Affairs.

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