DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2004–17970]

Agency Information Collection Submission for OMB Review: Motor Carrier Safety Assistance Program (MCSAP)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: The FMCSA announces that the Information Collection Request (ICR) described in this notice is being sent to the Office of Management and Budget (OMB) for review and approval. The FMCSA is requesting OMB's continued approval of the information that is required for the Motor Carrier Safety Assistance Program (MCSAP). That information consists of grant application preparation, quarterly reports and electronic data documenting the results of driver/vehicle inspections performed by the States. The **Federal Register** notice announcing a 60-day comment period on this information collection was published on April 15, 2004 (69 FR 20111). We are required to send ICRs to OMB under the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 9, 2004.

ADDRESSES: Mail or hand deliver comments to the U. S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at *http://dmses.dot.gov/submit.* Be sure to include the docket number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comment is received, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

FOR FURTHER INFORMATION CONTACT: Mr. James D. McCauley, (202) 366–0133, Office of Safety Programs, Federal Motor Carrier Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Motor Carrier Safety Assistance Program.

OMB Number: 2126–0010.

Background: Sections 401–404 of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97–424, Stat. 2079, 2154) established a program of financial assistance to States for the purpose of implementing programs to enforce: (a) Federal rules, regulations, standards and orders applicable to commercial motor vehicle safety; and (b) compatible State rules, regulations, standards and orders. This grant-in-aid program is known as the Motor Carrier Safety Assistance Program (MCSAP). The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (49 U.S.C. 31101–31104, as amended) added programs, such as drug interdiction, traffic enforcement and size and weight activities to the core program established by the STAA.

The Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, 112 Stat.107 (June 9, 1998)) further revised the MCSAP by broadening its purpose beyond enforcement activities and programs by requiring participating States to assume greater responsibility for improving motor carrier safety. The TEA–21 required States to develop performance-based plans reflecting national priorities and performance goals, revised the MCSAP funding distribution formula and created a new incentive funding program. As a result, States are given greater flexibility in designing programs to address national and State goals for reducing the number and severity of commercial motor vehicle (CMV) accidents. The implementing regulations were published in the **Federal Register** on March 21, 2000 (65 FR 15092).

In order to qualify for a grant, participating States must submit a Commercial Vehicle Safety Plan (CVSP). After the grant is awarded, States must submit inspection data and quarterly reports explaining work activities and accomplishments. The FMCSA monitors and evaluates a State's progress under its approved CVSP. The agency also determines whether a change in the State's level of effort is required to meet the intended objectives of the CVSP. If a State fails to operate within the guidelines of the approved CVSP or does not remedy any identified deficiencies or incompatibilities in a timely manner, the FMCSA may cease participation in that State's CVSP. This information collection provides the basis for these responsibilities and decisions.

States submit the CVSP in hard copy. The quarterly report and inspection data continue to be collected electronically. The estimated annual burden for this collection increases slightly due to a growing number of driver/vehicle inspections.

Respondents: State and local MCSAP lead agencies.

Estimated Total Annual Burden: 11,854 hours (Grant application preparation: 848 hours; quarterly report preparation: 339 hours; and inspection data upload: 10,667 hours). The above figures reflect 20 percent of the total estimated hours to perform the activities listed since MCSAP reimburses up to 80 percent of the eligible costs incurred in the administration of an approved plan as set forth in 49 CFR 350.303, 350.309 and 350.311.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; Pub. L. 97–424, Stat. 2079, 2154 (1982); 49 U.S.C. 31101–31104; Pub. L. 105–178, 112 Stat.107 (1998); and 49 CFR 1.73.

Issued on: July 2, 2004.

Warren E. Hoemann,

Deputy Administrator.

[FR Doc. 04–15650 Filed 7–8–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

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

Hyundai Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance

Hyundai Motor Company (Hyundai) has determined that certain vehicles that it produced do not comply with S5.3.5(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 105, ''Hydraulic and electric brake systems,'' and S5.5.5 of FMVSS No. 135, ''Passenger car brake systems.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Hyundai 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 21186). NHTSA received no comments.

S5.3.5 of FMVSS No. 105 requires that ''Each indicator lamp shall display word, words or abbreviation * * * which shall have letters not less than ⅛-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 (⅛ inch) high.''

Approximately 237,994 vehicles are affected. Approximately 142,667 vehicles do not meet the letter height requirement for the abbreviation ''ABS,'' where the letter height varies from 2.5 mm to 3.1 mm. These include MY 1998–2004 Accents, MY 1998–2004 Elantras, MY 2002–2004 Tiburons, MY 1999–2004 Sonatas, MY 2001–2004 XGs, and MY 2001–2004 Santa Fes. Approximately 95,327 vehicles do not meet the letter height requirements for the word ''brake,'' where the letter height varies from 2.9 mm to 3.1 mm. These include MY 1998–1999 Accents and MY 1998–2001 Tiburons.

Hyundai believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hyundai states that the International Standards Organization (ISO) symbol for the ABS and the ''ABS'' lettering are part of the same ABS warning indicator, and both are simultaneously illuminated in yellow by the same lighting source. Hyundai explains that both identifications illuminate simultaneously during the instrument cluster warning lamp operation check, and also if an ABS malfunction occurs. Hyundai further states that although the ABS lettering that appears within the ISO symbol is slightly smaller than 3.2 mm in height, the overall height of the ABS warning lamp word/symbol combination significantly exceeds the standard on each of the affected models.

Hyundai says that on the two models where the ''brake'' lettering is slightly smaller than 3.2 mm in height, the ISO symbol for the brake system and the parking brake ISO symbol are part of the same brake warning indicator. Hyundai states that both the lettering and symbol identifications illuminate simultaneously in red during the instrument cluster warning lamp operation check, every time the parking brake is applied, and also if a brake system malfunction occurs. Hyundai further points out that although the ''brake'' lettering that appears below the ISO symbols is slightly smaller than 3.2 mm in height, the overall height of the ''brake'' warning lamp word and symbols combination exceeds the standard. Therefore the visual indicators are visible to the driver under all driving conditions.

The agency agrees with Hyundai 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. Hyundai has not received any complaints regarding the size or visibility of either light, and is not aware of any crashes or injuries associated with the size or visibility of the indicators. Hyundai 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, Hyundai'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 49 CFR 1.50 and 501.8.

Issued on: July 6, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04–15652 Filed 7–8–04; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2004–17438; Notice 2]

Pirelli Tire North America, Grant of Petition for Decision of Inconsequential Noncompliance

Pirelli Pneumatici S.p.A has determined that certain tires it produced do not comply with S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New pneumatic tires.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Pirelli Tire LLC (Pirelli), as agent for Pirelli Pneumatici S.p.A, 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 21189). NHTSA received no comments.

A total of approximately 190 tires are involved. These are Pzero Asimmetrico 275/40ZR18 99Y (F) H405 tires, which Pirelli Pneumatici S.p.A produced intermittently during the period January to April, 2003. They are marked ''reinforced'' when in fact they are not, and are marked as two ply when they are one ply. Paragraph S4.3 of FMVSS No. 109 requires ''each tire shall have permanently molded into or onto both sidewalls * * * (d) The generic name of each cord material used in the plies * * * of the tire; and (e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different.''

Pirelli states that the incorrect sidewall inscription does not compromise in any way the integrity or the performance characteristics of the tires in question and does not constitute any safety-related issue. Therefore, Pirelli believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted.

With regard to the tires being marked ''reinforced'' when in fact they are not, NHTSA has no requirement that a tire be labeled with the word ''reinforced'' even when it is designed to accommodate a greater load than a standard tire of the same size. Therefore, the agency has determined that the petition is moot with regard to this marking.

With regard to the incorrect ply marking, the agency agrees with Pirelli's statement that the marking of the tires as two ply when they are one ply does not present a serious safety concern. The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act (Pub. L. 106–414) required that the agency initiate rulemaking to improve tire label information. In response, 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 on the tire labeling information. With regard to the tire construction labeling requirements of FMVSS No. 109, S4.3(d) and (e), most commenters indicated that the information was of little or no safety value. In addition, the agency conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire labeling beyond the tire brand name, tire size, and tire pressure. Therefore, in the agency's judgment, the noncompliance will have an inconsequential effect on the operational safety of vehicles on which these tires are mounted. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 109. Pirelli has corrected the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that