

The comment does not address this issue, and therefore is not persuasive in its argument that the petition should not be granted.

The agency agrees with Ford this noncompliance will not have an adverse effect on vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is whether the rim size and type information is readily available to potential users. As Ford states, the rim size and type are marked on the wheels of the vehicle, thus providing the information needed to ensure that the vehicles are equipped with the proper rims. Ford has not received any owner or field complaints regarding the label omission, and it 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, Ford'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 22, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04-17107 Filed 7-27-04; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2004-17901; Notice 2]

Yokohama Tire Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

Yokohama Tire Corporation (Yokohama) has determined that certain tires it manufactured in 2002 do not comply with S6.5(d) of 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Yokohama Tire Corporation on behalf of Yokohama Rubber Co., Ltd. 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 in the **Federal Register** on June 3, 2004 (69 FR 31452),

with a 30-day comment period. NHTSA received no comments.

Yokohama Rubber Co., Ltd. produced size 185R14 8PR Y356 light truck tires during 2002 whose load range is "D" but are incorrectly labeled on the tire sidewall as having a load range "C," adjacent to the correct ply rating "8PR." Therefore, they do not comply with FMVSS No. 119 S6.5(d), which requires that "each tire shall be marked on each sidewall with * * * (d) The maximum load rating and corresponding inflation pressure of the tire." Although 424 tires were manufactured with the incorrect load range label, 294 of the tires were found and quarantined to prevent sales and distribution. However, 130 tires are unaccounted for and are considered distributed and sold into the United States market. It is these 130 tires that are the subject of this petition.

Yokohama believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Yokohama states that reliance upon the misbranding of load range "C" would not pose any threat to motor vehicle safety since the tires' actual carrying capability by specification is load range "D." Thus, the tires' true capability exceeds that of a load range "C" tire.

The agency agrees with Yokohama's statement that the incorrect markings do not present a serious safety concern. There is no effect of the noncompliance on the operational safety of vehicles on which these tires are mounted, since the tires' actual carrying capacity is greater than the load range labeled on the tires. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 119 and all other informational markings as required by FMVSS No. 119 are present. Yokohama 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, Yokohama'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 22, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04-17108 Filed 7-27-04; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18610]

Notice of Receipt of Petition for Decision That Nonconforming 1999 Cagiva Gran Canyon 900 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999 Cagiva Gran Canyon 900 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999 Cagiva Gran Canyon 900 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is 30 days after publication in the **Federal Register**.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (volume 65, number 70; pages 19477-78), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA