

noncompliance on the operational safety of vehicles on which these tires are mounted. The correct label for max load at max pressure is "10200 lbs @ 120 psi". The incorrect label says "10,000 lbs @ 115 psi". Although the max load is labeled to be less on the incorrect label than the actual max load, the pressure is also lower, which has an effect on the load bearing ability of the tire. Referencing the European Tyre and Rim Technical Organization tire tables for that size tire reveals that a 445/50R22.5 tire that has a max load at max pressure of 10,200 lbs @ 120 psi, will be able to support 9860 lbs @ 115 psi. Therefore, at 115 psi the tire will be able to support 140 lbs less than the 10,000 lbs stated. Hence the incorrect label would allow the tire to be overloaded at the stated max pressure of 115 psi.

In consideration of the foregoing, NHTSA has decided that the applicant does not meet its burden of persuasion that the noncompliance is inconsequential to motor vehicle safety. Accordingly, its application is denied and the applicant is not exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120.

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

Issued on: May 24, 2005.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA-03-14372]

#### Insurer Reporting Requirements; Reports Under 49 U.S.C. on Section 33112(c)

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces publication by NHTSA of the annual insurer report on motor vehicle theft for the 2000 reporting year. Section 33112(h) of Title 49 of the U.S. Code, requires this information to be compiled periodically and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. As required by section 33112(c), this report provides

information on theft and recovery of vehicles; rating rules and plans used by motor vehicle insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts.

**ADDRESSES:** Interested persons may obtain a copy of this report and appendices by contacting the U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 10 a.m. to 5 p.m.). Requests should refer to Docket No. 2003-14372. This report without appendices may also be viewed on-line at: <http://www.nhtsa.dot.gov/cars/rules/theft>.

**FOR FURTHER INFORMATION:** Ms. Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTARY INFORMATION:** The Motor Vehicle Theft Law Enforcement Act of 1984 (Theft Act) was implemented to enhance detection and prosecution of motor vehicle theft (Pub. L. 98-547). The Theft Act added a new Title VI to the Motor Vehicle Information and Cost Savings Act, which required the Secretary of Transportation to issue a theft prevention standard for identifying major parts of certain high-theft lines of passenger cars. The Act also addressed several other actions to reduce motor vehicle theft, such as increased criminal penalties for those who traffic in stolen vehicles and parts, curtailment of the exportation of stolen motor vehicles and off-highway mobile equipment, establishment of penalties for dismantling vehicles for the purpose of trafficking in stolen parts, and development of ways to encourage decreases in premiums charged to consumers for motor vehicle theft insurance.

This notice announces publication by NHTSA of the annual insurer report on motor vehicle theft for the 2000 reporting year. Section 33112(h) of Title 49 of the U.S. Code, requires this information to be compiled periodically and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. As required by section 33112(h), this report focuses on the assessment of information on theft and recovery of motor vehicles, comprehensive insurance coverage and actions taken by insurers to reduce thefts for the 2000 reporting period.

Section 33112 of Title 49 requires subject insurers or designated agents to

report annually to the agency on theft and recovery of vehicles, on rating rules and plans used by insurers to reduce premiums due to a reduction in motor vehicle thefts, and on actions taken by insurers to assist in deterring thefts. Rental and leasing companies also are required to provide annual theft reports to the agency. In accordance with 49 CFR 544.5, each insurer, rental and leasing company to which this regulation applies must submit a report annually not later than October 25, beginning with the calendar year for which they are required to report. The report would contain information for the calendar year three years previous to the year in which the report is filed. The report that was due by October 25, 2003 contains the required information for the 2000 calendar year. Interested persons may obtain a copy of individual insurer reports for CY 2000 by contacting the U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 10 a.m. to 5 p.m.). Requests should refer to Docket No. 2003-14372.

The annual insurer reports provided under section 33112 are intended to aid in implementing the Theft Act and fulfilling the Department's requirements to report to the public the results of the insurer reports. The first annual insurer report, referred to as the Section 612 Report on Motor Vehicle Theft, was prepared by the agency and issued in December 1987. The report included theft and recovery data by vehicle type, 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 sixteenth, discloses the same subject information and follows the same reporting format.

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**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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