

**Correction of publication**

In notice document (FR Doc. 05-10134), make the following correction. On page 29375, column 1, "Background" section, second paragraph, add the following words to the start of the paragraph: "The tests described therein provide a standardized approach by which each potentially"

Dated: Issued in Renton, Washington, on May 31, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-11411 Filed 6-8-05; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA 2005-20923; Notice 2]

**Les Entreprises Michel Corbeil Inc., Grant of Petition for Decision of Inconsequential Noncompliance**

Les Entreprises Michel Corbeil Inc. (Corbeil) has determined that certain vehicles that it produced in 1998 through 2005 do not comply with S9.3(c) of 49 CFR 571.111, Federal Motor Vehicle Safety Standard (FMVSS) No. 111, "Rearview mirrors." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Corbeil 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 a petition was published, with a 30-day comment period, on April 18, 2005, in the **Federal Register** (70 FR 20204). NHTSA received no comments.

Affected are approximately 246 Corbeil school buses on Ford and GM chassis, manufactured from January 5, 1998 through February 15, 2005. S9.3(c) requires:

Each school bus which has a mirror installed in compliance with S9.3(a) that has an average radius of curvature of less than 889 mm, as determined under S12, shall have a label visible to the seated driver. The label shall be printed in a type face and color that are clear and conspicuous. The label shall state the following: "USE CROSS VIEW MIRRORS TO VIEW PEDESTRIANS WHILE BUS IS STOPPED. DO NOT USE THESE MIRRORS TO VIEW TRAFFIC WHILE BUS IS MOVING. IMAGES IN SUCH MIRRORS DO NOT ACCURATELY SHOW ANOTHER VEHICLE'S LOCATION."

The noncompliant school buses were produced without the required label.

Corbeil believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Corbeil states that school bus drivers in general are instructed and aware of the use of these mirrors for pedestrian purposes only. Further, the petitioner asserts that a very small number of vehicles are affected, over a time period of eight years, and that a recall would cost approximately \$10,000 Canadian due to the need to recall all 8471 school buses produced from 1998 to 2005 to determine which of the estimated noncompliant 2.9% lack the label required by S9.3(c). Corbeil has corrected the problem.

The agency agrees with Corbeil that the noncompliance is inconsequential to motor vehicle safety. As Corbeil states, all school bus drivers are trained to assure they are knowledgeable and skilled in the operation of buses including the use of these mirrors and the fact that these mirrors are used for pedestrian purposes only. The number of vehicles with noncompliant mirrors is relatively small, and Corbeil has made changes in its quality assurance process to prevent future occurrences of this 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, Corbeil'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: June 3, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-11427 Filed 6-8-05; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2005-21383; Notice 1]

**Equistar Chemicals, LP, Receipt of Petition for Decision of Inconsequential Noncompliance**

Equistar Chemicals, LP (Equistar) has determined that certain brake fluid that was manufactured in 2004 and that Equistar distributed does not comply with S5.1.7 of 49 CFR 571.116, Federal

Motor Vehicle Safety Standard (FMVSS) No. 116, "Motor vehicle brake fluids." Equistar has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Equistar has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Equistar's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 170,000 gallons of DOT-3 brake fluid designated as Lot 630 and manufactured by Oxid, LP in September 2004. FMVSS No. 116, S5.1.7, "Fluidity and appearance at low temperature," requires that when brake fluid is tested as specified in the standard at storage temperatures of minus 50 ±2° C,

(a) The fluid shall show no sludging, sedimentation, crystallization, or stratification; [and]

(b) Upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid shall not exceed 35 seconds. \* \* \*

NHTSA's compliance tests found that at minus 50° C, the noncompliant brake fluid freezes solid, therefore showing crystallization and failing the requirements of S5.1.7(a). NHTSA's compliance tests also found that at minus 50° C, upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid exceeds 35 seconds, therefore failing the requirements of S5.1.7(b). The NHTSA test report can be found in the docket.

Equistar believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Equistar states the following:

Equistar asked Oxid, LP [the brake fluid manufacturer] to supply a copy of its data reporting the results of the tests it had previously conducted for \* \* \* [the brake] fluid pursuant to the test requirements of S6.7 \* \* \*. The data show that [the brake fluid] unconditionally passed the tests required by the applicable standard, including the minus 50° C test.

Equistar states that it had the noncompliant brake fluid further tested by another testing center, Case Consulting Laboratories, Inc. (Case), and that:

The samples tested by Case passed all of the required tests, including the minus 50° C

air bubble and appearance test, except that the tested sample \* \* \* began to form crystals. It bears note that the bubble travel time on this sample was 2.7 seconds against the standard's requirement of 35 seconds maximum. Further, the appearance of the sample after testing at minus 50° C was the same as before the testing.

Given the formation of crystals \* \* \*, Equistar asked Case to perform further analysis on the tested retained sample to determine the temperature at which the crystals began to form. The \* \* \* Case report on the crystals \* \* \* indicates that these crystals, which were determined to be small in both size and number, formed at minus 49.9° C, which is within the temperature allowed by the relevant standard—plus or minus 2 degrees relative to minus 50° C. Thus, the results of this Case test on the retained sample do not constitute a failure of the required test in Equistar's view.

Equistar's petition, including the test data it submitted as attachments to its petition, can be found in the NHTSA docket.

Equistar states that "the crystals and globules" in the brake fluid "would not pose a threat to the operation of the brake fluid." Equistar also asserts that the results may be due to "testing laboratories that calibrate their testing equipment in slightly different ways \* \* \*" Equistar refers to two prior NHTSA grants of inconsequential noncompliance petitions which Equistar states involve "virtually identical circumstances involving brake fluid \* \* \*" These are Dow Corning Corporation (59 FR 52582, October 18, 1994) and First Brands Corporation (59 FR 62776, December 6, 1994).

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. Mail: Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays. Comments may be submitted electronically by logging onto

the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* July 8, 2005.

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

Issued on: June 3, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

[FR Doc. 05-11428 Filed 6-8-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0094]

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 11, 2005.

**FOR FURTHER INFORMATION:** Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail: [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to "OMB Control No. 2900-0094." Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0094" in any correspondence.

### SUPPLEMENTARY INFORMATION:

*Title:* Supplement to VA Forms 21-526, 21-534, and 21-535 (For Philippine Claims), VA Form 21-4169.

*OMB Control Number:* 2900-0094.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 21-4169 is used to collect certain applicants' service information, place of residence, proof of service, and whether the applicant was a member of pro-Japanese, pro-German, or anti-American Filipino organizations. VA uses the information collected to determine the applicant's eligibility for benefits based on Commonwealth Army or recognized guerrilla services.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on January 25, 2005, at page 3582.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 250 hours.

*Estimated Average Burden Per Respondent:* 15 minutes.

*Frequency of Response:* One-time.

*Estimated Number of Respondents:* 1,000.

Dated: May 26, 2005.

By direction of the Secretary.

**Loise Russell,**

*Director, Records Management Service.*

[FR Doc. 05-11478 Filed 6-8-05; 8:45 am]

**BILLING CODE 8320-01-P**