

a. The spare tire installed on the vehicle (P255/70R18) meets all applicable FMVSS. It is the appropriate temporary spare tire that was designed for the vehicle and meets the vehicle loading requirements. Only the spare tire size information indicated on the placard is incorrect and reflects the size of the spare that was used on the Tundra prior to a production change. All the other information on the placard is accurate, including the cold tire inflation pressure.

b. In addition, if the vehicle owner wanted to check the size of the spare tire that is installed on the vehicle, the information is in the owner's manual and is also molded into the spare tire sidewall.

c. Given the intent of FMVSS No. 110, S4.3(d), Toyota believes that, because the spare tire installed on the vehicle is the appropriate tire for the vehicle performance and loading requirements, there is no risk to motor vehicle safety.

2. There is also no issue if the installed spare tire is replaced with one of the sizes indicated on the incorrect placard. This would also be a tire/wheel combination that is designed for this vehicle and would meet all other applicable FMVSS because the replacement spare tire would be the same size as the spare tire originally equipped on the Tundra prior to the production change and would be the same size as the four main tires on the subject vehicles.

a. The spare tire size indicated on the incorrect placard was also designed for the subject vehicles and meets all applicable FMVSS. This spare tire wheel combination (P275/65R18) is the same size as the four main tires installed on the subject vehicles. It was used as a spare tire on the prior model year Tundra and on the 2019MY Tundra prior to the adoption of the current spare tire size (P255/70R18).

b. In addition, the recommended spare tire inflation pressure and wheel size (R18) are the same for the subject vehicles as the prior model year Tundra.

c. Because both spare tire sizes are appropriate for the vehicle loading specifications, were designed for the subject vehicles, meet all applicable FMVSS, and the wheel size and recommended tire pressure are the same, Toyota believes there is no risk to occupant safety should a P275/65R18 tire be used in place of the one equipped on the vehicle.

3. Toyota is unaware of any owner complaints, field reports, or allegations of hazardous circumstances concerning the incorrect spare tire placard in the subject vehicles. Toyota has searched its records for reports or other information

concerning the tire placard and spare tire in the subject vehicles. No owner complaints, field reports, or allegations of hazardous circumstances concerning the placard or tire were found.

4. NHTSA has previously granted at least five similar petitions for inconsequential noncompliance for inaccurate tire placards. A brief summary of each petition is provided below:

a. *Daimler Chrysler Corporation, 73 FR 11462 (March 3, 2008)* Dodge Dakota pickup trucks had the spare tire size indicated on the placard that did not match the size of the spare tire installed on the vehicle.

b. *Mercedes-Benz USA, LLC (MBUSA) 78 FR 43967 (July 22, 2013)* Vehicle placard on the affected vehicles incorrectly identified the tire size designation of the spare tire in the vehicle.

c. *Volkswagen Group of America, Inc., 81 FR 88728 (December 8, 2016)* Subject vehicles had a tire placard label that was misprinted with an incorrect tire size as compared to the tires the vehicle was equipped with.

d. *Mercedes-Benz USA, LLC, 82 FR 5640 (January 18, 2017)* The tire information placard affixed to the vehicles' B-pillar incorrectly identified the spare tire size.

e. *General Motors, LLC, 84 FR 25117 (May 30, 2019)* Subject vehicles were equipped tire placards that stated the spare tire size is "None" when in fact it should have been "T125/70R17" and omitted the cold tire pressure for the spare tire when it should have read "420 kPa, 60 psi".

Toyota concludes that the subject noncompliance is inconsequential as it relates to motor vehicle safety and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Toyota no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the

prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Toyota notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8).

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2020-03961 Filed 2-26-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0105; Notice 1]

BMW of North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of petition.

SUMMARY: BMW of North America, LLC (BMW), a subsidiary of BMW AG, has determined that certain model year (MY) 2019 BMW F750 GS and F850 GS motorcycles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials*. BMW filed a noncompliance report dated October 19, 2018. BMW subsequently petitioned NHTSA on October 29, 2018, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is March 30, 2020.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket number and notice number cited in the title of this notice and may be submitted by any of the following methods:

- **Mail:** Send comments by mail addressed to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver comments by hand to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

- *Electronically*: Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to https://www.regulations.gov, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at https://www.regulations.gov by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477-78).

SUPPLEMENTARY INFORMATION:

I. *Overview*: BMW has determined that certain MY 2019 BMW F750 GS and F850 GS motorcycles do not fully comply with paragraph S6.3 of FMVSS No. 205, *Glazing Materials* (49 CFR 571.205). BMW filed a noncompliance report dated October 19, 2018, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. BMW subsequently petitioned NHTSA on October 29, 2018, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this

noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

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

II. *Vehicles Involved*: Approximately 604 MY 2019 BMW F750 GS and F850 GS motorcycles, manufactured between June 21, 2018, and September 19, 2018, are potentially involved.

III. *Noncompliance*: BMW explains that the noncompliance is that the subject motorcycles are equipped with windscreens that do not comply with paragraph S6.3 of FMVSS No. 205. Specifically, the subject windscreens were marked with the AS4 marking instead of the AS6 marking.

IV. *Rule Requirements*: Paragraph S6.3 of FMVSS No. 205 includes the requirements relevant to this petition. A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must mark that material in accordance with section 7 of ANSI/SAE Z26.1-1996 and certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

AS4 certified windscreens are rigid plastic and only for use on certain locations, not including motorcycle windscreens and they are not subject to a flexibility test, whereas AS6 marked windscreens are subject to this test. AS6 certified windscreens are flexible plastic and, unlike AS4 certified windscreens, can be used as a motorcycle windscreen. Additionally, AS6 certified windscreens are not required to be subject to an impact test or an abrasion test, whereas, AS4 certified windscreens are.

V. *Summary of BMW's Petition*: BMW described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, BMW submitted the following reasoning:

1. FMVSS No. 205 Section 2 (Purpose) states, "The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions."

2. Potentially affected vehicles conform to all of the FMVSS No. 205 performance requirements. Therefore,

they satisfy the stated purpose of FMVSS No. 205 regarding (a) injury reduction, and (b) rider visibility.

3. Potentially affected vehicles conform to all the FMVSS No. 205 performance requirements. Therefore, there are no safety performance implications associated with this potential noncompliance.

4. BMW has not received any contacts from vehicle owners regarding this issue. Therefore, BMW is unaware of any vehicle owners that have encountered this issue.

5. BMW is unaware of any accidents or injuries that may have occurred as a result of this issue.

6. NHTSA has previously granted petitions for inconsequential noncompliance regarding FMVSS No. 205 involving marking of window glazing. BMW believes that its petition is similar to other manufacturers' petitions in which NHTSA has granted approval. Examples of similar petitions, in which NHTSA has granted approval, include the following:

- Ford Motor Company, 80 FR 11259 (March 2, 2015).
- Ford Motor Company, 78 FR 32531 (May 30, 2013).
- Ford Motor Company, 64 FR 70115 (December 15, 1999).
- General Motors, LLC, 79 FR 23402 (September 25, 2015).
- General Motors, LLC, 70 FR 49973 (August 25, 2005).
- Toyota Motor North America Inc., 68 FR 10307 (March 4, 2003).
- Fuji Heavy Industries USA, Inc., 78 FR 59088 (September 25, 2013).
- Mitsubishi Motors North America, Inc., 80 FR 72482 (August 22, 2015).
- Pilkington North America, Inc., 78 FR 22942 (April 17, 2003).
- Supreme Corporation, 81 FR 72850 (October 21, 2016).
- Custom Glass Solutions Upper Sandusky Corp., 80 FR 3737 (January 23, 2015).

7. Vehicle production has been corrected to conform to FMVSS No. 205 S6.

8. BMW also provided a copy of the FMVSS No. 205 Certification Report from AIB-Vincotte International N.V.

BMW's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: https://www.regulations.gov and following the online search instructions to locate the docket number listed in the title of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to

exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that BMW no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke III,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2019-0122]

Notice of Request for Comments: Drug-Impaired Driving Criminal Justice Evaluation Tool

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

ACTION: Request for comment.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) is engaged in numerous activities to reduce drug-impaired driving, including conducting research and developing tools, resources, and promising practices to assist States and local communities. To aid in evaluating efforts to address drug-impaired driving, NHTSA has developed the Drug-Impaired Driving Criminal Justice Evaluation Tool. The tool is designed to assist with identifying program strengths and opportunities for improvements. After asking two organizations to test the model to explore weaknesses and identify areas for refinement, NHTSA now wishes to learn from other practitioners about any improvements and refinements that could add value to the tool. This notice requests comment on the completeness and usability of the tool.

DATES: Comments are due by April 27, 2020. See the **SUPPLEMENTARY INFORMATION** section on “Public

Participation,” below, for more information about written comments.

ADDRESSES: You may submit comments identified by the DOT docket above using any of the following methods:

Electronic Submissions: Go to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

Hand Delivery: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 1-202-493-2251

Instructions: For detailed instructions on submitting comments, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Privacy Act: Except for Confidential Information, as discussed below, all comments received into the docket will be made public in their entirety. The comments will be searchable 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 should not include information in your comment that you do not want to be made public. You may review the DOT’s complete Privacy Act Statement at <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Please contact Jennifer Davidson at jennifer.davidson@dot.gov or (202) 366-2163.

SUPPLEMENTARY INFORMATION: The Drug-Impaired Driving Criminal Justice Evaluation Tool is designed to allow State, local, territorial, and tribal governments to assess and strengthen their drug-impaired driving programs. The tool consists of questions divided into ten sections representative of critical criminal justice and programmatic elements. The categories include law enforcement, prosecution, judiciary, community supervision, toxicology, treatment, emergency medical services, data, legislation, and program and communications. The Excel file, which can be downloaded

from NHTSA’s website at <https://www.nhtsa.gov/DUIDtool>, allows individual sections to be sent to the appropriate organizational representative for completion.

The Drug-Impaired Driving Criminal Justice Evaluation Tool allows users to assess their existing programs to reduce drug-impaired driving through a systematic review of activities, policies, and procedures being implemented. The completed tool is intended purely for the use of State, local, territorial or tribal governments for self-assessment and will not be collected by NHTSA. The tool can help jurisdictions identify gaps in their drug-impaired driving programs, inform strategies to strengthen the programs, and help track progress over time against baseline results. The tool includes links to best practices and resources for strengthening drug-impaired driving programs.

The Drug-Impaired Driving Criminal Justice Evaluation Tool is designed to be completed in consultation with representatives most familiar with the relevant program areas, either individually or via group discussion (e.g., with the State DWI Task Force). The tool can be completed in its entirety for a comprehensive program evaluation of the criminal justice system’s ability to respond to drug-impaired driving, or where appropriate to assess one component of the criminal justice system.

The evaluation is based on the Capability Maturity Model, used by other Federal agencies, to develop and refine an organization’s software or program development process. The model utilizes a five-step hierarchy of program growth and maturity. The Capability Maturity Model can serve as a benchmark and be repeated to show progress over time. After answering the questions for each subsection of the tool, raters note their program strength level for each component using a defined 0-5 point scale. Scores are tabulated on the final “Scoring” sheet to provide an overall view of program performance for each component and to compare against baseline results for repeat evaluations. Planning sections are included for each issue area following ratings to document program strengths, opportunities, and goals for improvement.

NHTSA conducted a limited test of the evaluation tool to obtain feedback on how to enhance and improve its value. Since making refinements recommended during testing, NHTSA is interested in learning more about potential end-users’ impressions of the tool.