

By order of the Maritime Administrator.
Daron T. Threet,
 Secretary, Maritime Administration.
 [FR Doc. E7-6546 Filed 4-6-07; 8:45 am]
 BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2007-27795]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel PROSIT.

SUMMARY: As authorized by Pub. L. 105-383 and Pub. L. 107-295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2007-27795 at <http://dms.dot.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before May 9, 2007.

ADDRESSES: Comments should refer to docket number MARAD-2007-27795. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will

be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR-830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PROSIT is:

Intended Use: "sailing school, charter"

Geographic Region: Washington and Alaska (excluding Southeast Alaska).

Privacy Act

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>.

Dated: April 3, 2007.

By order of the Maritime Administrator.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7-6548 Filed 4-6-07; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-27802]

Reports, Forms, and Recordkeeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and

reinstatement of previously approved collections.

This document proposes to consolidate four existing collections of information into two collections, and seeks comments accordingly. The first information collection proposes consolidation of OMB control numbers 2127-0511, "49 CFR 571.213, Child Restraint Systems," and 2127-0576, "Child Safety Seat Registration," into a new one. Thus, all child restraint labeling and registration requirements would be included in one information collection entitled "Consolidated Child Restraint System Registration, Labeling and Defect Notifications" (OMB Control Number: 2127-0576).

The second information collection proposes to merge the existing OMB control number 2127-0038, "49 CFR 571.205, Glazing Materials," into 2127-0512, "Consolidated Labeling Requirements for Motor Vehicles (except the VIN)."

DATES: You should submit your comments early enough to ensure that Docket Management receives them no later than June 8, 2007.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number NHTSA-2007-27802] by any of the following methods:

- *Web site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

- *Fax:* 1-202-493-2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0003.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number for this collection. It is requested, but not required, that two copies of the comments be provided. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif

Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Complete copies of each request for collection of information may be obtained at no charge from Mr. Maurice Hicks, NHTSA, 400 Seventh Street, SW., Room 5320, NVS-113, Washington, DC 20590.

Mr. Hicks' telephone number is (202) 366-6345. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1.) *Title:* Consolidated Child Restraint System Registration, Labeling and Defect Notifications."

OMB Control Number: 2127-0576.

Requested Expiration Date of Approval: Three years from the approval date.

Type of Request: Consolidation of OMB control numbers 2127-0511, "49 CFR 571.213, Child Restraint Systems," and 2127-0576, "Child Safety Seat Registration."

Affected Public: Business, Individuals and Households.

Summary of the Collection of Information: This action consolidates two existing collections of information. In the previous collections of information: (1) A collection was established to require manufacturers to provide owner registration cards and to label each child restraint system (CRS) with a message informing users of the importance of registering the device with the manufacturer, and (2) another collection was issued to allow NHTSA to implement a registration program to send CRS owners a substitute registration form if owners had lost the registration card. Furthermore, in the second collection, it was also required that if either NHTSA or a manufacturer determines that a CRS contains a defect that relates to motor vehicle safety or fails to comply with an applicable Federal Motor Vehicle Safety Standard, pursuant to Chapter 301 of title 49 of the United States, the manufacturer must notify owners and purchasers of the defect or noncompliance and must provide a remedy without charge. The proposed revised collection will consolidate these provisions.

Child restraint manufacturers are required to provide an owner's registration card for purchasers of child safety seats in accordance with title 49 of the Code of Federal Regulation (CFR), part 571-section 213, "Child Restraint Systems." The registration card is perforated into two-parts (see Figures 1 and 2). The top part contains a message and suitable instructions to be retained by the purchaser. The bottom part is to be returned to the manufacturer by the purchaser. The bottom part includes prepaid return postage, the pre-printed name/address of the manufacturer, the pre-printed model and date of manufacture, and spaces for the purchaser to fill in his/her name and address. Optionally, child restraint manufacturers are permitted to add to the registration form: (a) Specified statements informing CRS owners that they may register online; (b) the Internet address for registering with the company; (c) revisions to statements reflecting use of the Internet to register; and (d) a space for the consumer's e-mail address. For those CRS owners with access to the Internet, online registration may be a preferred method of registering a CRS.

In addition to the registration card supplied by the manufacturer, NHTSA has implemented a CRS registration system to assist those individuals who have either lost the registration card that came with the CRS or purchased a previously owned CRS. Upon the

owner's request, NHTSA provides a substitute registration form that can be obtained either by mail or from the Internet¹ (see Figure 3). When the completed registration is returned to the agency, it is then submitted to the CRS manufacturers. In the absence of a substitute registration system, many owners of child passenger safety seats, especially any second-hand owners, might not be notified of safety defects and noncompliances, and would not have the defects and noncompliances remedied.

Child seat owner registration information is retained in the event that owners need to be contacted for defect recalls or replacement campaigns. Chapter 301 of title 49 of the United States Code specifies that if either NHTSA or a manufacturer determines that motor vehicles or items of motor vehicle equipment contain a defect that relates to motor vehicle safety or fail to comply with an applicable Federal Motor Vehicle Safety Standard, the manufacturer must notify owners and purchasers of the defect or noncompliance and must provide a remedy without charge. In title 49 of the CFR, part 577, defect and noncompliance notification for equipment items, including child restraint systems, must be sent by first class mail to the most recent purchaser known to the manufacturer.

Child restraint manufacturers are also required to provide a printed instructions brochure with step-by-step information on how the restraint is to be used. Without proper use, the effectiveness of these systems is greatly diminished. Each child restraint system must also have a permanent label. A permanently attached label gives "quicklook" information on whether the restraint meets the safety requirements, recommended installation and use, and warnings against misuse.

Estimated Annual Burden: 265,500 hours.

Number of Respondents: 15.

The total burden hours for this collection consist of: (1) The administrative hours spent to produce registration cards and labels, (2) the hours spent collecting registration information, and (3) the hours spent by CRS manufacturers to create and keep records.

Currently, approximately 15 CRS manufacturers produce, [ras1] on average, a total of approximately 4,500,000 child restraints each year. [ras2] NHTSA has determined that

¹ <http://www.nhtsa.dot.gov/staticfiles/DOT/NHTSA/Vehicle%20Safety/Articles/Associated%20Files/csregfrm.pdf>.

approximately 1,575,000 owners or purchasers register (i.e., either by registration card, NHTSA registration form or by the Internet) their child seats with the CRS manufacturers each year (an estimated 35 percent return rate x 4,500,000 restraints).

For each child restraint system, a CRS manufacturer must spend 0.025 hours to cut/print, label and to attach a registration card. A manufacturer must also spend 0.04 hours to collect the information for each returned registration and then spend a total of 0.02 hours to create and keep a record on each child restraint system. Given these estimates, the estimated total annual burden hours for this collection of information are 265,500 hours. This number reflects the combination of 112,500 hours to produce materials (0.025 hours per seat x 4,500,000 child restraints), 63,000 hours to collect registrations (0.04 hours per seat x 1,575,000 registrations) and 90,000 hours to create and keep records (0.02 hours per seat x 4,500,000 child restraints) each year.

(2) *Title*: Consolidated Labeling Requirements for Motor Vehicles (Except the VIN).

OMB Control Number: 2127-0512.

Requested Expiration Date of

Approval: Three years from the approval date.

Type of Request: Consolidation of OMB control numbers 2127-0038, "49 CFR 571.205, Glazing Materials," and 2127-0512, "Consolidated Labeling Requirements for Motor Vehicles (except the VIN)."

Affected Public: Business.

Summary of the Collection of Information: Because of the similarities in the collections of information, NHTSA seeks to combine the provisions of the existing collection for glazing materials labeling into a collection for labeling information for five other Federal motor vehicle safety standards.

49 U.S.C. 30111 authorizes the issuance of Federal motor vehicle safety standards (FMVSS) and regulations. The agency, in prescribing a FMVSS or regulation, considers available relevant motor vehicle safety data, and consults with other agencies, as it deems appropriate. Further, the statute mandates that in issuing any FMVSS or regulation, the agency considers whether the standard or regulation is "reasonable, practicable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed," and whether such a standard will contribute to carrying out the purpose of the Act. The Secretary is authorized to invoke such rules and regulations as deemed

necessary to carry out these requirements. Using this authority, the agency issued the following FMVSS and regulations, specifying labeling requirements to aid the agency in achieving many of its safety goals:

FMVSS No. 105, "Hydraulic and electric brake systems,"

FMVSS No. 135, "Passenger car brake systems,"

FMVSS No. 205, "Glazing materials,"

FMVSS No. 209, "Seat belt assemblies," Part 567, "Certification."

This notice requests comments on the labeling requirements of these FMVSS and regulations.

Description of the need for the information and proposed use of the information: In order to ensure that manufacturers are complying with the FMVSS and regulations, NHTSA requires a number of specific labeling requirements in FMVSS Nos. 105, 135, 205, 209 and part 567. FMVSS No. 105, "Hydraulic and electric brake systems" and FMVSS No. 135, "Passenger car brake systems," require that each vehicle shall have a brake fluid warning statement in letters at least one-eighth of an inch high on the master cylinder reservoirs and located so as to be visible by direct view.

Federal Motor Vehicle Safety Standard No. 205, "Glazing materials," provides labeling requirements for glazing and motor vehicle manufacturers. In accordance with the standard, NHTSA requires each new motor vehicle glazing manufacturer to request and be assigned a unique mark or number. This number is then used by the manufacturer as their unique company identification on their self-certification label on each piece of motor vehicle glazing. As part of that certification label, the company must identify itself with the simple two or three digit number assigned by the agency. FMVSS No. 205 requires that manufacturers mark their automotive glazing with certain label information including:

Manufacturer's distinctive trademark;
Manufacturer's "DOT" code number;
Model of glazing (there are currently 21 items of glazing ranging from plastic windows to bullet resistant windshields).

In addition to these requirements, which apply to all glazings, certain specialty items such as standee windows in buses, roof openings, and interior partitions made of plastic require that the manufacturer affix a removable label to each item. The label specifies cleaning instructions to minimize the loss of transparency.

Other information may be provided by the manufacturer but is not required.

FMVSS No. 209, "Seat belt assemblies," requires safety belts to be labeled with the year of manufacture, the model, and the name or trademark of the manufacturer (S4.1(j)).

Additionally, replacement safety belts that are for use only in specifically stated motor vehicles must have labels or accompanying instruction sheets to specify the applicable vehicle models and seating positions (S4.1(k)). All other replacement belts are required to be accompanied by an installation instruction sheet (S4.1(k)). Seat belt assemblies installed as original equipment in new motor vehicles need not be labeled with position/model information.

Part 567, "Certification," responds to 49 U.S.C. 30111 that requires each manufacturer or distributor of motor vehicles to furnish to the dealer or distributor of the vehicle a certification that the vehicle meets all applicable FMVSS. This certification is required by that provision to be in the form of a label permanently affixed to the vehicle.

Under 49 U.S.C. 32504, vehicle manufacturers are directed to make a similar certification with regard to bumper standards. To implement this requirement, NHTSA issued 49 CFR part 567. The agency's regulations establish form and content requirements for the certification labels.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Response to the Collection of Information): NHTSA anticipates that approximately 21 new prime glazing manufacturers per year will contact the agency and request a manufacturer identification number. These new glazing manufacturers must submit one letter, one time, identifying their company. In turn, the agency responds by assigning them a unique manufacturer number. For other collections in this notice, no response is necessary from manufacturers. These labels are only required to be placed on each master cylinder reservoir, each safety belt and every motor vehicle intended for retail sale in the United States. Therefore, the number of respondents is not applicable.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information: Based upon previous notice and comments for those information collections, NHTSA estimates that all manufacturers will need a total of 73,071 hours to comply with these requirements, at a total annual cost of \$1,096,065.

Comments are invited on: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed

information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued in Washington, DC, on April 2, 2007.

Roger A. Saul,

Director, Crashworthiness Standards.

BILLING CODE 4910-59-P

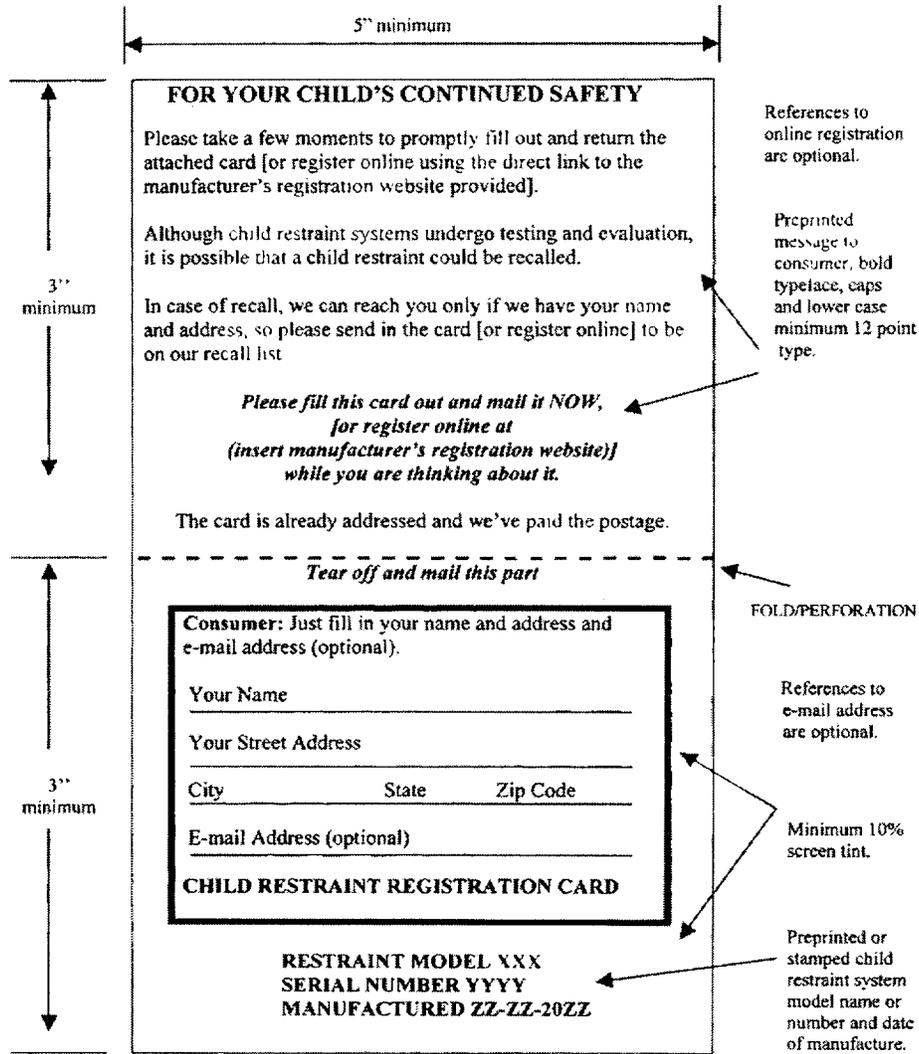


Figure 1 – Registration form for child restrain systems – product identification number and purchaser information side

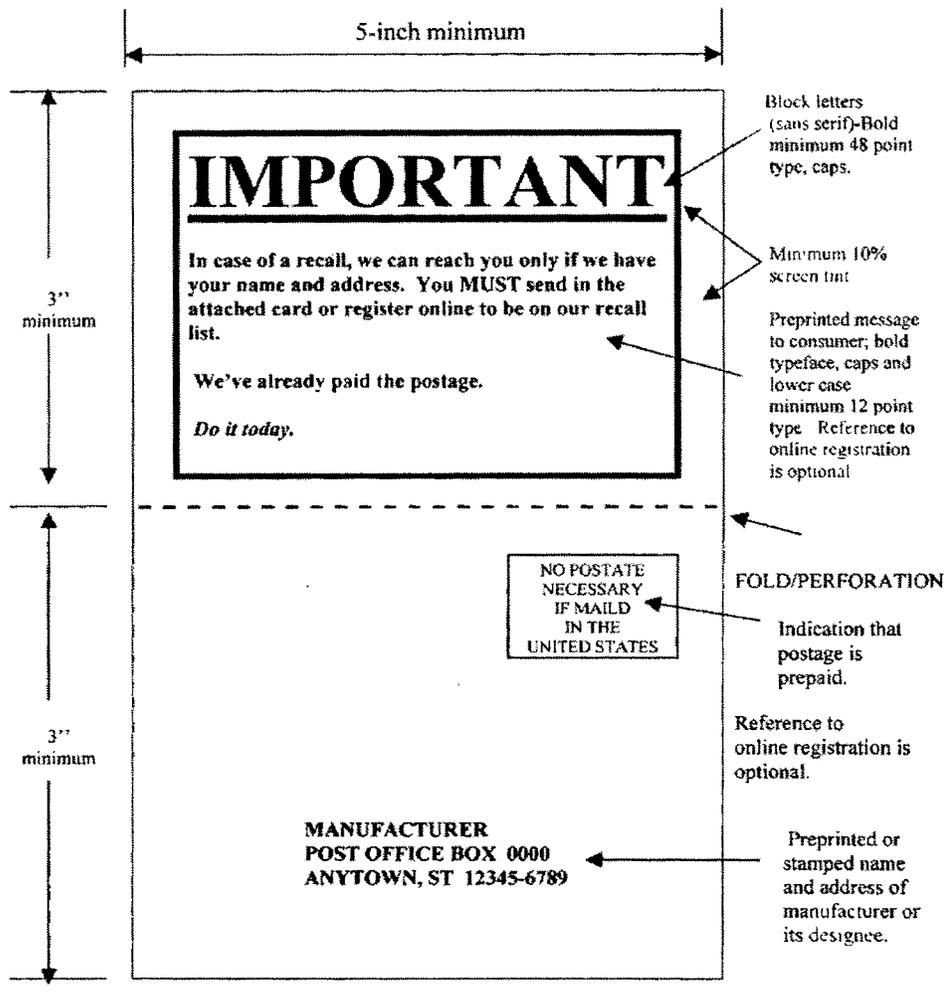


Figure 2 – Registration form for child restraints systems – address side

Form Approved O.M.B. No. 2127-0576

**CHILD SAFETY SEAT REGISTRATION FORM
FOR YOUR CHILD'S CONTINUED SAFETY**

Although child safety seats undergo testing and evaluation, it is possible that your child seat could be recalled. In case of a recall it is important that the manufacturer be able to contact you as soon as possible so that your seat can be corrected.

All child safety seats manufactured since March 1993 have a registration form so that owners can provide their names/addresses to the manufacturer. In case of a safety recall, the manufacturer can use that information to send recall letters to owners. Also, child safety seat manufacturers have agreed to maintain owner names/addresses for child safety seats manufactured before March 1993, so they can notify those consumers in the event of a future safety recall. However, in order for the manufacturer to know which child safety seat you own, all of the information on the lower half of this page must be provided.

If you would like the National Highway Traffic Safety Administration (NHTSA) to give your name and address to the manufacturer of your child safety seat, so that you can be notified of any future safety recalls regarding your child safety seat, fill out this form. Please type or print clearly, sign and mail this postage-paid, pre-addressed form.

If you have any questions, or need help with any child safety seat or motor vehicle safety issue, call the U.S. Department of Transportation's toll-free Vehicle Safety Hotline at 1-888-424-9393 (Washington DC AREA RESIDENTS, 202-366-0123).

Your Name: _____ Telephone _____

Your Street Address _____

City: _____ State: _____ Zip Code: _____

IMPORTANT: The following information is essential and can be found on labels on your child seat.

**Child Seat
Manufacturer:** _____

**Child Seat Model
Name & Number:** _____

**Child Seat
Date of
Manufacture:** _____

I AUTHORIZE NHTSA TO PROVIDE A COPY OF THIS REPORT TO THE CHILD SAFETY SEAT MANUFACTURER.

SIGNATURE: _____ **DATE:** _____

Please mail to:
U.S. Department of Transportation
National Highway Traffic Safety Administration
DOT Vehicle Safety Hotline
400 7th Street, SW
Washington, DC 20590

The Privacy Act of 1974 - Public Law 93-579, As Amended: This information is requested pursuant to the authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administration enforcement or litigation against a manufacturer, your response, or statistical summary thereof, may be used in support of the agency's action.

Figure 3 – Illustration of Child Safety Seat Registration Form

[FR Doc. E7-6523 Filed 4-6-07; 8:45 am]

BILLING CODE 4910-59-C

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

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

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition (DP06-004) submitted by Mr. Eric Moening. In his petition, dated August 23, 2006, the petitioner requests the agency to remedy a failure of his model year (MY) 1999 Ford Contour to “comply with Federal Motor Vehicle Safety Standard 208 Occupant Crash Protection.” He describes the failure on his vehicle as instrument panel warping, and he believes that the warping may adversely affect performance of the air bag system or create loose instrument panel components (such as the defrost bezel) that could “become projectiles during air bag deployments.” After a review of the petition and other information, including the results of NHTSA’s own testing, NHTSA has concluded that further expenditure of the agency’s resources on the issue raised by the petition is not warranted. The agency accordingly denies the petition.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia Glass, Vehicle Integrity Division, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2920.

SUPPLEMENTARY INFORMATION: On August 23, 2006, NHTSA’s Office of Defects Investigation (ODI) received a petition submitted by Mr. Eric Moening (hereinafter identified as the petitioner), requesting that NHTSA “remedy a failure” of the instrument panel of his MY 1999 Ford Contour so that it complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208. The petitioner alleges that his instrument panel has warped and the defrost bezel rattles. He contends that “improperly retained instrument panel components can be detrimental to the desired performance of front air bag deployments as well as become projectiles during air bag deployments.”

Federal law prohibits manufacturers from selling motor vehicles and equipment that do not comply with all

applicable Federal Motor Vehicle Safety Standards (FMVSS). 49 U.S.C. 30112(a)(1). However, this prohibition does not apply after the first purchase of the vehicle or equipment. 49 U.S.C. 30112(b)(1). The petitioner alleges that the problem with his vehicle first began to develop at least three years after its first purchase. Accordingly, the alleged facts provide no basis for a compliance investigation. NHTSA has no authority to intervene in disputes between an individual and a manufacturer with regard to repairs unrelated to safety recalls. However, because the petitioner has characterized his letter as a “petition”, we are construing his letter as a request for a defect investigation into warping of the leading edge of the dashboard in MY 1999–2000 Ford Contour and Mercury Mystique vehicles under 49 U.S.C. 30162.

Under 49 U.S.C. 30166, NHTSA has the authority to conduct an investigation to consider whether a motor vehicle or motor vehicle equipment contains a safety-related defect. In addition, any interested person may file a petition under 49 U.S.C. 30162 requesting that NHTSA begin a proceeding to decide whether to issue an order under § 30118. NHTSA is authorized under 49 U.S.C. 30118(b) to make a determination that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety. If NHTSA makes such a determination, NHTSA issues an order directing the manufacturer of the vehicle or equipment to notify the owners, purchasers and dealers of the defect and to remedy the defect under § 30120.

As a practical matter, NHTSA’s grant of a petition under § 30162 begins an investigation that may or may not result in a recall. In determining whether to grant or deny a petition under § 30162, NHTSA conducts a technical review of the petition. 49 CFR 552.6. This review may consist of an analysis of the material submitted, together with the information already in possession of the agency or acquired in the course of the review. NHTSA has discretion to decide which matters are worthy of investigation and a possible recall order. In addition to the technical merits of the petition, NHTSA may consider additional factors, such as the allocation of agency resources, agency priorities, and the likelihood of success of litigation that might arise from the order sought by the petitioner. 49 CFR 552.8. As noted above, if NHTSA grants the petition, an investigation is commenced to determine the existence of the defect. 49 CFR 552.9.

In August 2001, the petitioner received a letter from Ford Motor Company describing Ford’s Customer Satisfaction Program Number 01B78 (01B78). Ford initiated this program in August 2001, and it was in effect through August 31, 2002. Ford offered free repair of any 1999 and 2000 Ford Contour and Mercury Mystique vehicle experiencing panel warping at the front edge of the instrument panel cover near the windshield. Initially, Ford offered customers a dealer inspection of the instrument panel and a free repair as required. Ford instructed dealers to repair all vehicles with a panel repair kit unless the warping was greater than 2 inches at the defroster grill opening. For vehicles with greater than 2 inches warping, Ford instructed dealers to replace the instrument panel.

Ford issued to Ford and Lincoln Mercury dealers two supplements to the original 01B78 program that superseded each preceding program. In December 2001, Ford issued Supplement #1 (01B78S1), which provided a revision of the original repair procedure to “address some dealer-identified issues.” 01B78S1 did not affect Ford’s policy of replacing the instrument panel only when the panel warping is greater than 2 inches and repairing other vehicles with a panel repair kit. In May 2002, Ford issued Supplement #2 (01B78S2), which provided a revised repair procedure that “requires the use of a new repair kit that includes a new defroster grille cover that is placed on top of the defroster grille.” 01B78S2 also provided that “[i]nstrument panel replacement is no longer covered under this program.” And, 01B78S2 states that, “All vehicles that have not had 01B78 or 01B78S1 completed, regardless of whether the warpage is visible or not, should be serviced as soon as possible before expiration of this program.” Neither 01B78S1 nor 01B78S2 changed the program’s August 31, 2002, expiration date.

In February 2003, after Customer Satisfaction Program Number 01B78 expired, Ford issued technical service bulletin “TSB 03-4-6, Trim—Instrument Panel Warpage Repair.” This TSB described Ford’s most current repair procedure for a warped instrument panel, which was identical to the procedure provided in 01B78S2. The TSB did not extend the expiration date of the offer for free repair that had now expired.

The petitioner indicates that when he took his car into his Lincoln-Mercury dealership in 2001 in response to 01B78, the dealership advised him that his vehicle “was not in need of repair.” He reports that, by late 2002, his vehicle