

relate to motor vehicle safety, and that the problem has been corrected either by discontinuation or change of the mold of the affected tires.

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: April 8, 2005.

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

Issued on: March 3, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2004-19996; Notice 2]

#### Dynamic Tire Corp., Grant of Petition for Decision of Inconsequential Noncompliance

Dynamic Tire Corp. (Dynamic Tire) has determined that certain tires it imported and which were manufactured by Tianjin Wanda Tyre Group Co., LTD do not comply with S6.5(b) of 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), Dynamic Tire 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 January 14, 2005, in the **Federal Register** (70 FR 2707). NHTSA received no comments.

A total of approximately 67,864 tires produced between August 1, 2004 to December 4, 2004 are affected. S6.5(b) of FMVSS No. 119 requires that each tire shall be marked on each sidewall with "the tire identification number required by part 574 of this chapter." Part 574.5(d) requires the date code to be listed such that the first two symbols must identify the week of the year and the third and fourth symbols must identify the year. The noncompliant tires reversed the order of these symbols.

Dynamic Tire believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Dynamic Tire states that "the production week \* \* \* begins with the 31st week of 2004 which eliminates any possibility of confusion between week and year designation." Dynamic Tire further states that the tires comply with all other requirements of the Federal Motor Vehicle Safety Standards.

The agency agrees with Dynamic Tire that the noncompliance is inconsequential to motor vehicle safety. Since the production week begins with the 31st week of 2004, this eliminates any possibility of confusion between week and year designation. In addition, the tires comply with all other FMVSS requirements. Dynamic Tire 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, Dynamic Tire'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: March 3, 2005.

**Ronald L. Medford,**

*Senior Associate Administrator for Vehicle Safety.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19529; Notice 2]

#### Toyota Motor North America, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

Toyota Motor Corporation has determined that the daytime running lamps (DRLs) on certain vehicles it manufactured in 1998-2005 do not comply with S5.5.11(a) of 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, reflective devices, and associated equipment." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Toyota Motor North America, Inc. (Toyota), on behalf of Toyota Motor Corporation, 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. Notice of receipt of Toyota's petition was published, with a 30 day comment period, on November 12, 2004, in the **Federal Register** (69 FR 65499). NHTSA received 48 comments.

A total of approximately 75,355 model year 1998-2005 Lexus LX470 vehicles are affected. The DRLs on the LX470s are mounted at 895 mm above the road surface, as measured from the center of the lamps with the vehicles at curb weight, and are provided by the upper beam headlamps operating at a reduced intensity. For this DRL configuration, S5.5.11(a) of FMVSS No. 108 requires that each such lamp have a luminous intensity not less than 500 candela at test point H-V, nor more than 3,000 candela at any location in the beam. However, each LX 470 DRL lamp exceeds the 3,000 maximum candela requirement by approximately 57% with a luminous intensity of roughly 4,720 candela at the maximum point in