

of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 15037; 65 FR 66286; 66 FR 13825; 68 FR 10300; 68 FR 13360; 65 FR 78256; 66 FR 16311; 67 FR 68719; 68 FR 2629; 67 FR 76439; 68 FR 10298). Each of these 13 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

### Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 22, 2005.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its

decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

**Rose A. McMurray,**

*Associate Administrator, Policy and Program Development.*

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**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2002-13743; Notice 2]

#### Continental Tire North America Inc., Grant of Application for Decision of Inconsequential Noncompliance

Continental Tire North America Inc., (Continental) has determined that a total of 159 P265/70R16 AmeriTrac SUV Radial Passenger Tires and 7,131 P265/70R16 ContiTrac SUV Radial Tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires." The noncompliant tires were produced during the periods March 11-24, 2001, and May 14, 2000-March 24, 2001, respectively. Pursuant to 49 U.S.C. 30118(d) and 30120(h), Continental 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 the application was published, with a 30-day comment period, on November 15, 2002, in the **Federal Register** (67 FR 69300). NHTSA received no comments.

The petitioner argued as follows: FMVSS No. 109 (S4.3.4(b)) requires both the maximum load in kilograms and pounds be molded on the tire's sidewall. The rated maximum kilogram load was incorrectly marked 1190 kg rather than 1090 kg. The rated maximum load in pounds was marked correctly. These tires are primarily sold in the domestic replacement market, where the load in pounds would be the predominant consumer unit of measurement. Continental stated that test results confirm that the subject tires meet all other test requirements of FMVSS No. 109, support the petition of an inconsequential stamping error,

which does not affect performance, and is not safety related.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with FMVSS No. 109, paragraph (S4.3.4(b)), is whether a consumer and/or retailer who relied on the incorrect information could experience a safety problem. In the case of this noncompliance, the maximum load value is marked correctly in English units. However, while the corresponding load value is correctly marked in English units, it is overstated in Metric units. The agency has conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire labeling beyond the tire brand name, tire size, and tire pressure.

Since FMVSS No. 109 applies to tires sold in the U.S., and since consumers in the U.S. overwhelmingly rely on units of English measure for loading information, the safety issue associated with overloading tires as a result of this noncompliance is very small.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described is inconsequential to safety. Accordingly, Continental's application is hereby granted and the applicant is 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. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 17, 2005.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 05-5650 Filed 3-22-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-20545; Notice 1]

#### IC Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

IC Corporation (IC) has determined that certain school buses that it manufactured in 2001 through 2004 do not comply with S5.2.3.2(a)(4) of 49 CFR 571.217, Federal Motor Vehicle Safety Standard (FMVSS) No. 217, "Bus emergency exits and window retention

and release." IC 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), IC 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 IC'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 40 school buses manufactured from August 15, 2001 to September 29, 2004. S5.2.3.2(a)(4) of FMVSS No. 217 states "No two side emergency exit doors shall be located, in whole or in part, within the same post and roof bow panel space." The noncompliant vehicles have two side emergency exit doors located opposite each other within the same post and roof bow panel space.

IC believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. IC states that NHTSA's main purpose in updating FMVSS No. 217 was,

to ensure that emergency exit capability would be proportional to the maximum occupant capacity; to improve access to side emergency doors; to improve visibility of exits; and to facilitate the exiting of occupants from a bus after an accident \* \* \*. None of these primary objectives were compromised on the 40 units covered by this petition.

IC states that it reviewed comments in response to the NPRM to update FMVSS No. 217 and determined that they

\* \* \* were related to the fatigue strength of a bus body of this configuration. IC Corporation was unable to find comments relating to the safe exit of occupants in the event of an accident as a result of this door arrangement. Based on this background, IC Corporation presents arguments for consideration regarding both the structural and safety aspects of the rule. Finally, we present bus customer feedback based on interviews conducted with some of the bus customers affected by this non-compliance.

IC further states that it is "not aware of any research that indicates that emergency exits should not be located across from each other for safety of egress reasons alone." IC says it believes the requirement for two exits doors located across from each other in the same post and roof bow appears "to all be related to the issue of the structural integrity of a bus body of this configuration."

IC indicates that it "has no reports of any failures of panels or the structure in

the area of the left or right emergency doors" of the noncompliant vehicles. Nor has IC received failure reports of panels or the structure for two other types of buses it manufactures. It describes these two other types of buses. One is "commercial buses with a passenger door centered on the right side of the bus and large double bow windows on the left side within the same post and roof bow panel space." Another is buses with "the combination of a left side emergency door on the left side and a wheelchair door on the right side within the same post and roof bow panel space." IC further asserts that "NHTSA does not restrict other combinations of doors and windows within the same roof bow space."

IC states that it is willing to extend to the owners of the noncompliant vehicles a 15-year warranty for any structural or panel failures related to the location of the doors, so that "corrections could be made long before any possible fatigue problems \* \* \* progress into major structural issues."

The petitioner also describes discussions regarding the noncompliant vehicles with a New York State official who is "involved in compliance with the State regulations and product issues" and owners with multiple units in VA, TX and CA. IC says that the New York official supports granting this petition and the other owners prefer the warranty remedy.

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 22, 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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**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-20663]

#### Notice of Receipt of Petition for Decision That Nonconforming 2002 Jeep Liberty Multipurpose Passenger Vehicles Are Eligible for Importation

**AGENCY**: National Highway Traffic Safety Administration, DOT.

**ACTION**: Notice of receipt of petition for decision that nonconforming 2002 Jeep Liberty multipurpose passenger vehicles are eligible for importation.

**SUMMARY**: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2002 Jeep Liberty multipurpose passenger vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards, are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES**: The closing date for comments on the petition is April 22, 2005.

**ADDRESSES**: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. Anyone is able to search the electronic form of all comments received into any of our dockets by the