

**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.*

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**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]

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**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