

part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on April 7, 2006, in the **Federal Register** (71 FR 17952). NHTSA received no comments.

Affected are a total of approximately 2,641 model year 2006 Honda Ridgeline vehicles. S3.1.4.1 of FMVSS No. 102 requires,

[I]f the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following conditions exist: (1) The ignition is in a position where the transmission can be shifted; or (b) The transmission is not in park.

Honda explains the noncompliance as follows:

\* \* \* American Honda offered, as an optional part, through its dealers, a wiring harness as part of a trailer towing kit. The wiring harness included a circuit to provide for back-up lights, if present on a trailer, to illuminate when the transmission was shifted into reverse gear. The Ridgeline utilizes an electronic display in the instrument panel to indicate transmission gear position. When the wiring harness in question has been installed, and the ignition key is turned to the accessory position, the electronic display indicates not only the actual position of the selected gear, but also illuminates the reverse position indicator in the display, such that there are two indicator lights lighted at the same time, unless the reverse position is the gear selected, in which case only the reverse position indicator will be lighted.

Honda has corrected the problem that caused these errors so that they will not be repeated in future production.

Honda believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Honda states that neither the actual function of the transmission nor the transmission lockout will be affected. Honda states that there is no possibility of danger from the noncompliant display while the key is in the accessory position. Honda states:

The key cannot be removed, the vehicle cannot start, and the actual gear position would be illuminated, as well as the reverse position. There are two possible scenarios to consider.

In the first and most common scenario, if the key had been removed, upon initial insertion of the key, the vehicle would have had to be in "PARK," and turning the key to the accessory position will illuminate both the "PARK" and "REVERSE" indications, but not allow the vehicle to be shifted from the "PARK" position. Then, when the key was turned to the "on" position, allowing the vehicle to be shifted from the "PARK" position, the gear position indicator would function properly.

In the second scenario, if the key has been left in the ignition while in a gear other than "PARK," when the operator turns the key to the accessory position, the electronic display will indicate the correct gear, as well as reverse. This would be a highly unusual circumstance, and the vehicle would not start unless the key was turned to the "on" position, in which case the gear position indicator would function properly. Nor could the key be removed until the shift lever was placed in the "PARK" position. Even if this highly unlikely situation were to occur, movement of the shift lever would indicate the correct gear, as well as the illumination of the reverse gear. It would become readily apparent to the operator that the illumination of the reverse gear would be inappropriate and not indicative of the actual gear being engaged. Again, once the ignition is turned to the "ON" position, the gearshift indicator would function completely normally. At no time would the engine operate while in the "ACCESSORY" position.

NHTSA agrees with Honda that the noncompliance is inconsequential to motor vehicle safety. In the "accessory" position, which is when the noncompliant display appears, the key cannot be removed and the vehicle cannot start. When the key is turned to the "on" position, the gear position indication functions properly and is in compliance. The noncompliance does not affect the function of the transmission or the transmission lockout.

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, Honda'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 9, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-24928; Notice 1]

#### Continental Tire North America, Receipt of Petition for Decision of Inconsequential Noncompliance

Continental Tire North America (Continental) has determined that certain tires it produced in 2004 and 2005 do not comply with S5.5(f) of 49

CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139, "New pneumatic radial tires for light vehicles." Continental 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), Continental 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 Continental'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 2,627 model 235/55R17 99H Conti Pro Contact replacement tires manufactured during 2004 and 2005. S5.5(f) of FMVSS No. 139 requires the actual number of plies in the tread area to be molded on both sidewalls of each tire. The noncompliant tires are marked on the sidewall "TREAD PLIES 1 RAYON + 2 STEEL + 2 NYLON" whereas the correct marking should be "TREAD PLIES 1 RAYON + 2 STEEL + 1 NYLON."

Continental Tire believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Continental Tire states,

All other sidewall identification markings and safety information are correct. This noncompliant sidewall marking does not affect the safety, performance and durability of the tire; the tires were built as designed.

Continental has corrected the problem that caused these errors so that they will not be repeated in future production.

Interested persons are invited to submit written data, views, and arguments on this petition. 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:* July 14, 2006.

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

Issued on: June 8, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2006-24137; Notice 2]

#### General Motors Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain 2006 model year Cadillac XLR vehicles do not comply with S7.8.2.1(c) 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), GM 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 5, 2006, in the **Federal Register** (71 FR 17159). NHTSA received no comments.

Affected are a total of approximately 1,074 model year 2006 Cadillac XLR vehicles produced between July 26, 2005 and November 3, 2005. S7.8.2.1(c) of FMVSS No. 108 requires that if visually/optically (VO) aimable headlamps are equipped with a horizontal adjustment mechanism, then the mechanism must meet the applicable headlamp aim requirements

in S7.8.5.2. That standard requires that a headlamp system that is capable of being aimed include a Vehicle Headlamp Aiming Device that includes the necessary references and scales to assure correct aim and that a label containing aiming instruction be affixed adjacent to the device. The noncompliant headlamps are equipped with a horizontal adjustment but do not meet the S7.8.5.2 requirements. GM explains that during the assembly process the horizontal adjuster is supposed to be disabled but in the case of the subject lamps, the disabling was not done. GM has corrected the problem that caused these errors so that they will not be repeated in future production.

GM believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. GM offers several bases for this assertion.

First, GM states that the location of the horizontal adjuster makes it difficult to access, because it is recessed six inches behind the opening under the top of the fender and there is no information in the owner's manual indicating the location.

Second, GM states that the horizontal adjuster requires a different tool than the vertical adjuster, a tool which is not commonly available to the public.

Third, GM states that the lamps are properly aimed and the need for re-aiming is unlikely. GM explains that VO headlamps have a wider beam pattern, making horizontal aiming unnecessary, supported by the fact that GM is not aware of warranty claims or customer complaints regarding the headlamps' horizontal aim.

Fourth, GM states that it is unlikely that owners will try to adjust headlamp aim for the following reasons. The owner's manual instructs drivers to take the vehicle to the dealer if the lamps need to be re-aimed, a four-year 50,000 mile warranty on the vehicle makes it more likely that owners will seek to have any adjustments performed by the dealer, the wide beam reduces the need for headlamp adjustment, and it is unlikely that luxury car customers would make their own repairs.

Fifth, GM asserts that it is unlikely that dealers will try to horizontally adjust the lamps because they are not aware of the horizontal adjustment. Instead, dealers are likely to replace lamps that develop an incorrect horizontal aim.

Sixth, GM states that the lamps are designed to compensate for build variation and vehicle repair, and it conducted additional testing which it believes validates that road vibration

will not result in the lamps being out of aim.

Seventh, GM states that it is not aware of crashes, injuries, complaints, or field reports related to the noncompliance.

NHTSA agrees with GM that the noncompliance is inconsequential to motor vehicle safety. The only possible safety risk is that someone could locate and improperly adjust the horizontal adjustment mechanism. That risk is extremely small. The location of the horizontal adjuster makes it difficult to access and there is no information in the owner's manual or given to the dealer which indicates the location. Further, the lamps are properly aimed and the need for re-aiming is unlikely since these headlamps have a wider beam pattern which makes horizontal aiming unnecessary. In addition, as GM points out, it is unlikely that owners will try to adjust the headlamp aim since the owner's manual instructs drivers to take the vehicle to the dealer if the lamps need to be re-aimed, and a four-year, 50,000-mile warranty on the vehicle makes it more likely that owners will seek to have any adjustments performed by the dealer. Because dealers are generally not aware that the horizontal aim can be adjusted, they are likely to replace the lamps that may need adjustment. Moreover, to the extent this notice increases awareness on the part of owners or dealers that the horizontal adjustment mechanism is present on these vehicles, the notice will also inform them that any horizontal adjustment issue should be addressed by replacing the lamps and/or contacting GM.

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, GM'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)

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**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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