

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.

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Comment closing date: May 20, 2004. (Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8).

Issued on: April 14, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-17440; Notice 1]

Hyundai Motor Company, Receipt of Petition for Decision of Inconsequential Noncompliance

Hyundai Motor Company (Hyundai) has determined that certain vehicles that it produced do not comply with S5.3.5(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 105, "Hydraulic and electric brake systems"; and S5.5.5 of FMVSS No. 135, "Passenger car brake systems". Hyundai 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), Hyundai 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 Hyundai'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.

S5.3.5 of FMVSS No. 105 requires that "Each indicator lamp shall display word, words or abbreviation * * * which shall have letters not less than 1/8-inch high." S5.5.5 of FMVSS No. 135 requires that "Each visual indicator shall display a word or words * * * [which] shall have letters not less than 3.2 mm (1/8 inch) high."

Approximately 237,994 vehicles are affected. Approximately 142,667 vehicles do not meet the letter height requirement for the abbreviation "ABS," where the letter height varies from 2.5 mm to 3.1 mm. These include MY 1998-2004 Accents, MY 1998-2004 Elantras, MY 2002-2004 Tiburons, MY 1999-2004 Sonatas, MY 2001-2004 XGs, and MY 2001-2004 Santa Fes. Approximately 95,327 vehicles do not meet the letter height requirements for the word "brake," where the letter height varies from 2.9 mm to 3.1 mm. These include MY 1998-1999 Accents and MY 1998-2001 Tiburons.

Hyundai believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Hyundai states that the International Organization for Standardization (ISO) symbol for the ABS and the "ABS" lettering are part of the same ABS warning indicator, and both are simultaneously illuminated in yellow by the same lighting source. Hyundai explains that both identifications illuminate simultaneously during the instrument cluster warning lamp operation check, and also if an ABS malfunction occurs. Hyundai further states that although the ABS lettering that appears within the ISO symbol is slightly smaller than 3.2 mm in height, the overall height of the ABS warning lamp word/symbol combination significantly exceeds the standard on each of the affected models.

Hyundai says that on the two models where the "brake" lettering is slightly smaller than 3.2 mm in height, the ISO symbol for the brake system and the parking brake ISO symbol are part of the same brake warning indicator. Hyundai

states that both the lettering and symbol identifications illuminate simultaneously in red during the instrument cluster warning lamp operation check, every time the parking brake is applied, and also if a brake system malfunction occurs. Hyundai further points out that although the "brake" lettering that appears below the ISO symbols is slightly smaller than 3.2 mm in height, the overall height of the "brake" warning lamp word and symbols combination exceeds the standard.

Hyundai asserts that this noncompliance is inconsequential as it relates to motor vehicle safety for the following five reasons:

1. The visual indicators in the vehicles are visible to the driver under all driving conditions and therefore meet the requirements of S5.3.4(a) of FMVSS No. 101, "Controls and displays."

2. Unlike FMVSS Nos. 105 and 135, other FMVSSs do not have specific height dimensions for the display such as FMVSS No. 108, "Lamps, reflective devices and associated equipment"; FMVSS No. 121, "Air brake systems"; and FMVSS No. 208, "Occupant crash protection." The requirement in these standards is that the indicator or telltale be clearly visible, recognizable, or discernible, or that the telltale is an indicator to the driver. Hyundai states that the visual indicators in the subject Hyundai vehicles are in full compliance with these requirements.

3. NHTSA issued a notice of proposed rulemaking (NPRM) on September 23, 2003, to update and expand FMVSS No. 101. In this NPRM, NHTSA proposed a new definition of "telltale," as well as specific requirements for such telltales. Specifically, the telltale must be visible to the driver under certain conditions, must have certain illumination characteristics, must have certain color characteristics, and must be located in a specific place. The subject vehicles have visual indicators (telltale) that are in full compliance with these proposed requirements.

4. The owner's manual for each model contain graphic depictions of the indicators, both lettering and ISO symbols, as they appear in the vehicles with descriptions of their operations.

5. Hyundai is not aware of any consumer complaints, crashes, or injuries associated with the size or visibility of the affected visual indicators in the subject vehicles.

Hyundai asserts that the measure of inconsequentiality is whether there is any effect of the noncompliance on operational safety, and given the above five factors, Hyundai states the subject

noncompliance is inconsequential as it relates to motor vehicle safety.

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 am to 5 pm 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.

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Issued on: April 14, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-17436; Notice 1]

Kia Motor Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

Kia Motor Corporation (Kia) has determined that the rims on certain vehicles that it produced in 2001

through 2003 do not comply with S5.2(a) and S5.2(c) of 49 CFR 571.120, Federal Motor Vehicle Safety Standard (FMVSS) No. 120, "Tire selection and rims for motor vehicles other than passenger cars." Kia 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), Kia 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 Kia'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 69,160 model year 2002 and 2003 Sedona 4-door multipurpose passenger vehicles produced between May 1, 2001 and October 2, 2003. Also affected are a total of approximately 47,314 model year 2003 and 2004 Sorento 4-door multipurpose passenger vehicles produced between June 1, 2002 and October 2, 2003. S5.2 of FMVSS No. 120 requires that each rim be marked with certain information on the weather side, including "A designation which indicates the source of the rim's published nominal dimensions" (S5.2(a)), and "The symbol DOT" (S5.2(c)). The rims installed on the affected vehicles do not contain the markings required by S5.2(a) or S5.2(c).

Kia believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Kia states that the affected rims are 6JJ x 15" (Sedona) aluminum alloy and 7JJ x 16" (Sorento), which are commonly available and utilized in the United States. They are a correct specification for mounting the 215/70R15 tires specified for all Sedona models and the P245/70R16 tires specified for all Sorento models, and are capable of carrying the GVWR of the vehicle. Kia first became aware of this noncompliance on the Sedona and Sorento vehicles during an internal FMVSS compliance audit.

Kia states that no accidents or injuries have occurred, and no customer complaints have been received related to the lack of the markings or any problem that may have resulted from the lack of the markings. Kia further states that the missing markings do not affect the performance of the wheels or the tire and wheel assemblies.

The rims are marked in compliance with S5.2(b), rim size designation;

S5.2(d), manufacturer identification; and S5.2(e) month, day and year or month and year of manufacture. The rims are also marked with the Kia part number.

The tire size is marked on the tire sidewalls, and the owner's manual and tire inflation pressure label contain the appropriate tire size to be installed on the original equipment rims. Therefore, Kia does not believe there is a possibility of a tire and rim mismatch as a result of the missing rim markings.

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.

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Issued on: April 14, 2004.

Kenneth N. Weinstein,

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