

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 Standards Organization (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. Therefore the visual indicators are visible to the driver under all driving conditions.

The agency agrees with Hyundai this noncompliance will not have an adverse effect on vehicle safety. Due to the positioning, color, use of the ISO symbol, and combined size of both the lettering and symbols, it is very unlikely that a vehicle user would either fail to see or fail to understand the meaning of the brake or ABS warning light in the

affected vehicles. The information presented by the telltales is correct. Hyundai has not received any complaints regarding the size or visibility of either light, and is not aware of any crashes or injuries associated with the size or visibility of the indicators. Hyundai 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, Hyundai'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 49 CFR 1.50 and 501.8.

Issued on: July 6, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04–15652 Filed 7–8–04; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2004–17438; Notice 2]

Pirelli Tire North America, Grant of Petition for Decision of Inconsequential Noncompliance

Pirelli Pneumatici S.p.A has determined that certain tires it produced do not comply with S4.3(d) and S4.3(e) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New pneumatic tires." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Pirelli Tire LLC (Pirelli), as agent for Pirelli Pneumatici S.p.A, 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 petition was published with a 30 day comment period on April 20, 2004, in the **Federal Register** (69 FR 21189). NHTSA received no comments.

A total of approximately 190 tires are involved. These are Pzero Asimmetrico 275/40ZR18 99Y (F) H405 tires, which Pirelli Pneumatici S.p.A produced intermittently during the period January to April, 2003. They are marked "reinforced" when in fact they are not, and are marked as two ply when they are one ply. Paragraph S4.3 of FMVSS No. 109 requires "each tire shall have

permanently molded into or onto both sidewalls * * * (d) The generic name of each cord material used in the plies * * * of the tire; and (e) Actual number of plies in the sidewall, and the actual number of plies in the tread area if different."

Pirelli states that the incorrect sidewall inscription does not compromise in any way the integrity or the performance characteristics of the tires in question and does not constitute any safety-related issue. Therefore, Pirelli believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted.

With regard to the tires being marked "reinforced" when in fact they are not, NHTSA has no requirement that a tire be labeled with the word "reinforced" even when it is designed to accommodate a greater load than a standard tire of the same size. Therefore, the agency has determined that the petition is moot with regard to this marking.

With regard to the incorrect ply marking, the agency agrees with Pirelli's statement that the marking of the tires as two ply when they are one ply does not present a serious safety concern. The Transportation Recall, Enhancement, Accountability, and Documentation (TREAD) Act (Pub. L. 106–414) required that the agency initiate rulemaking to improve tire label information. In response, the agency published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 1, 2000 (65 FR 75222).

The agency received more than 20 comments on the tire labeling information. With regard to the tire construction labeling requirements of FMVSS No. 109, S4.3(d) and (e), most commenters indicated that the information was of little or no safety value. In addition, the agency 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. Therefore, in the agency's judgment, the noncompliance will have an inconsequential effect on the operational safety of vehicles on which these tires are mounted. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 109. Pirelli 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, Pirelli'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 49 CFR 1.50 and 501.8.

Issued on: July 6, 2004.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 04-15653 Filed 7-8-04; 8:45 am]

BILLING CODE 4910-59-U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18478]

Notice of Receipt of Petition for Decision that Nonconforming 1999 Ferrari 456GT and GTA Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999 Ferrari 456GT and GTA passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999 Ferrari 456GT and GTA passenger cars 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 importation into and 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 August 9, 2004.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL-401, 400 Seventh St., 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 name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register**

published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC of Baltimore, Maryland (Registered Importer RI-90-006) has petitioned NHTSA to decide whether 1999 Ferrari 456GT and GTA passenger cars are eligible for importation into the United States. The vehicles that J.K. Technologies believes are substantially similar are 1999 Ferrari 456GT and GTA passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it compared non-U.S. certified 1999 Ferrari 456GT and GTA passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. Technologies submitted information with its petition intended to demonstrate that non-U.S. certified 1999 Ferrari 456GT and GTA passenger cars, as originally manufactured, conform to many Federal motor vehicle safety

standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999 Ferrari 456GT and GTA passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter interlock, and transmission braking effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic and Electric Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Motor Vehicle Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver from the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Inscription of the word "brake" on the instrument cluster in place of the international ECE warning symbol or installation of a U.S.-model instrument cluster; (b) inscription of the seat belt warning symbol on the instrument cluster or installation of a U.S.-model instrument cluster; (c) modification of the speedometer to read in miles per hour or replacement of the speedometer through the installation of a U.S.-model instrument cluster. U.S. version software must be downloaded to ensure compliant operation of the replaced or modified controls and displays.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Installation of the following components (a) U.S.-model headlamps; (b) U.S.-model front sidemarker lamps that incorporate reflex reflectors; (c) modification of taillamps to ensure compliance with the standard or installation of U.S.-model taillamp assemblies that incorporate rear sidemarker lamps and reflex reflectors. Petitioner also states that the vehicle is equipped with a high-mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.