

Issued on February 26, 2008.

Joseph N. Kanianthra,

Associate Administrator for Vehicle Safety Research.

[FR Doc. E8-4004 Filed 2-29-08; 8:45 am]

BILLING CODE 4910-69-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-28734; Notice 2]

DaimlerChrysler Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

DaimlerChrysler Corporation (DCC)¹ has determined that certain model year (MY) 2007 motor vehicles do not comply with paragraph S4.3(d) of 49 CFR 571.110, Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 pounds) or Less*. DCC filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports* identifying approximately 3,037 MY 2007 Dodge Dakota (Dakota) pickup trucks produced between May 8, 2006 and March 16, 2007 that do not comply with the paragraph of FMVSS No. 110 cited above.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, DCC 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. Notice of receipt of the petition was published, with a 30-day public comment period, on October 4, 2007 in the **Federal Register** (72 FR 56824). No comments were received. To view the petition and all supporting documents, log on to the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2007-28734."

For further information on this decision, contact Mr. John Finneran, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-0645, facsimile (202) 366-7097.

Paragraph S4.3(d) of FMVSS No. 110 requires in pertinent part that:

S4.3 Placard. Each vehicle, except for a trailer or incomplete vehicle, shall show the

information specified in S4.3 (a) through (g).
* * *

(d) Tire size designation, indicated by the headings "size" or "original tire size" or "original size," and "spare tire" or "spare," for the tires installed at the time of the first purchase for purposes other than resale. For full size spare tires, the statement "see above" may, at the manufacturer's option replace the tire size designation. If no spare tire is provided, the word "none" must replace the tire size designation; * * *

By way of background, DCC explains that MY 2006 Dakotas were equipped with five P265/65R17 tires—the four tires installed on the vehicle at time of sale and the spare tire. The vehicle placard on the MY 2006 Dakota accurately reflected the sizes of the tires. DCC further explained that they decided to equip the subsequent MY 2007 Dakota with P265/60R18 tires. However, prior to the actual launch of the MY 2007 vehicles, DCC discovered that a P265/60R18 tire would not fit properly in the spare tire location on the vehicle. Therefore, DCC decided to retain the P265/65R17 tire as the spare tire, while going forward with the decision to use P265/60R18 tires as in-service original equipment. Unfortunately, the vehicle placards affixed to the subject MY 2007 Dakotas were not revised to reflect the decision to use the P265/65R17 spare tire; therefore, the vehicles do not comply with S4.3(d).

DCC argues that the noncompliance, the erroneous designation of the size of the spare tire on the vehicle placard, does not have any adverse safety impact. In DCC's estimation, the P265/60R18 tire and the P265/65R17 tire are equivalent. It supports this estimation by stating that the recommended cold tire inflation pressure specified on the vehicle placard—240 kPa (35 psi)—is appropriate for either P265/60R18 or P265/65R17 tires when mounted for service on the Dakota, and that the *Tire & Rim Association Handbook* confirms that the P265/65R17 spare tire supplied with the vehicles can carry more weight at 35 psi (2,124 pounds) than the P265/60R18 tire referred to on the erroneous vehicle placard (2,064 pounds).

DCC states that all other information provided on the 2007 Dakota vehicle placard is correct.

In summation, DCC states that it has corrected the problem that caused these errors so that they will not be repeated in future production and that it believes that because the noncompliance is inconsequential to motor vehicle safety that no corrective action is warranted.

NHTSA Decision

NHTSA agrees with DCC that the erroneous designation of the size of the spare tire on the placard affixed to the

subject vehicles does not have any adverse safety implications. The intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires appropriate to handle maximum vehicle loads and prevent overloading. The subject 2007 Dodge Dakota pickup trucks are equipped with four P265/60R18 tires that have a load rating of 2,064 pounds (de-rated by 1.1 when inflated to the recommended inflation pressure of 35 psi listed on the vehicle placard required by FMVSS No. 110). As required by FMVSS No. 110, these tires are appropriate for the vehicle's stated front and rear gross axle weight ratings. The same P265/60R18 tire size is listed on the placard for the spare tire. The actual spare tire provided with the vehicle is a P265/65R17. This tire has more load carrying capability, 2,124 pounds (de-rated by 1.1 at 35 psi), than the P265/60R18 tires. Both the actual provided spare tire and the spare tire indicated on the vehicle placard meet the FMVSS No. 110 loading requirements at the recommended cold inflation pressure of 35 psi. DCC is not aware of any customer complaints or field reports relating to this issue and stated that it has corrected the problem that caused these errors so that they will not be repeated in future production.

In consideration of the foregoing, NHTSA has decided that DCC has met its burden of persuasion that the labeling noncompliances described are inconsequential to motor vehicle safety. Accordingly, DCC's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliances under 49 U.S.C. 30118 and 30120.

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

Issued on: February 26, 2008.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E8-4045 Filed 2-29-08; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-28769; Notice 2]

Ford Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance

Ford Motor Company (Ford) has determined that approximately 180,603 seat belt replacement assemblies for 2000 through 2004 model year Ford Focus passenger cars and 191,352

¹ Now known as Chrysler, LLC.

service seat belt assemblies for 2001 through 2004 model year Ford Escape multipurpose passenger vehicles did not comply with paragraphs S4.1(k) and S4.1(l) of 49 CFR 571.209, Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies*. The assemblies for the Focus passenger cars were sold from July 1999 through May 17, 2007, and the assemblies for the Escape multipurpose passenger vehicles were sold from June 2000 through April 18, 2007. Ford has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Ford 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. Notice of receipt of the petition was published, with a 30-day public comment period, on October 4, 2007 in the **Federal Register** (72 FR 56825). No comments were received. To view the petition and all supporting documents, log on to the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2007-28769."

For further information on this decision, contact Ms. Claudia Covell, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5293, facsimile (202) 366-7002.

Paragraphs S4.1(k) and S4.1(l) of FMVSS No. 209 require:

(k) Installation instructions. A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items specified in SAE Recommended Practice J800c, "Motor Vehicle Seat Belt Installations," November 1973. If the assembly is for use only in specifically stated motor vehicles, the assembly shall either be permanently and legibly marked or labeled with the following statement, or the instruction sheet shall include the following statement:

This seat belt assembly is for use only in [insert specific seating position(s), e.g., "front right"] in [insert specific vehicle make(s) and model(s)].

(l) Usage and maintenance instructions. A seat belt assembly or retractor shall be accompanied by written instructions for the

proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

Ford's Data, Views, and Arguments

Ford explains that the subject seat belt assemblies were sold in the United States and federalized territories without the installation, usage, and maintenance instructions required by paragraphs in S4.1(k) and S4.1(l) of FMVSS No. 209.

Ford makes the argument that the service seat belt assemblies in question are only made available to Ford authorized dealerships for their use or subsequent resale and that the Ford parts ordering process used by Ford dealers clearly identifies the correct service part required by model year, model, and seating position. By way of example, Ford further explains that an order for a driver's-side front buckle assembly for a 2002 model year Focus would be filled by the components specifically designed to be installed in that particular position in that specific vehicle. This is because Ford's service seat belt assemblies are designed to be installed properly only in their intended application.

Ford additionally states that technicians at Ford dealerships that replace seat belts have access to the installation instruction information available in workshop manuals. Installers other than Ford dealership technicians also have seat belt installation information available because all workshop manual information, including seat belt replacement information, is made available to the general public on the Ford Motorcraft Web site and through aftermarket service information compilers such as Mitchell and Alldata.

Ford additionally argues that a significant portion of paragraph S4.1(k) appears to address a concern with proper installation of aftermarket seat belts into vehicles that were not originally equipped with these restraints. Ford also notes that SAE J800c which is cited in the regulation involves installation of "universal type

seat belt assemblies," particularly where no seat belt had previously been installed, and that these concerns do not apply to the service seat belts. The vehicles involved in the instant petition have uniquely designed seat belt components, and replacement seat belt assemblies are installed into the identical location from which the original parts were removed.

Ford also states that proper seat belt usage instructions are clearly laid out in the Owner Guide that is included with each new vehicle. There are no requirements for scheduled maintenance on the seat belt assemblies in the subject vehicles. Information concerning periodic inspection for wear and function of the seat belts, as well as for their proper usage is included in the vehicle Owner Guide and this information applies as equally to service seat belt assemblies as it does to the original equipment belts. All Ford Owner Guides, including those for the 2000 through 2004 Focus and 2001 through 2004 Escape, are also available to the public, free of charge on the Ford Motorcraft Web site.

Ford is not aware of any customer or field reports of service seat belt assemblies being incorrectly installed in the subject applications as a result of installation instructions not accompanying the service part. Ford also is not aware of any reports requesting installation instructions, which it believes to be indicative of the availability of this information from the sources listed above.

In summation, Ford states that it has corrected the problem that caused these errors so that they will not be repeated in future production and that it believes that because the noncompliances are inconsequential to motor vehicle safety that no corrective action is warranted.

NHTSA Decision

To help ensure proper selection, installation, usage, and maintenance of seat belt assemblies, paragraph S4.1(k) of FMVSS No. 209 requires that installation, usage, and maintenance instructions be provided with seat belt assemblies, other than those installed by an automobile manufacturer.

First, we note that the subject seat belt assemblies are only made available to Ford authorized dealerships for their use or subsequent resale. Because the parts ordering process used by Ford authorized dealerships clearly identifies the correct service part required by model year, model, and seating position, NHTSA believes that there is little likelihood that an inappropriate seat belt assembly will be provided for a

specific seating position within a Ford vehicle.

Second, we note that technicians at Ford dealerships have access to the seat belt assembly installation instruction information in workshop manuals. In addition, installers other than Ford dealership technicians can access the installation instructions on the Ford Motorcraft Web site and through other aftermarket service information compilers. We also believe that Ford is correct in stating that the seat belt assemblies are designed to be installed properly only in their intended application. Thus, we conclude that sufficient safeguards are in place to prevent the installation of an improper seat belt assembly.

NHTSA recognizes the importance of having installation instructions available to installers and use and maintenance instructions available to consumers. The risk created by this noncompliance is that someone who purchased an assembly is unable to obtain the necessary installation information resulting in an incorrectly installed seat belt assembly. However, because the seat belt assemblies are designed to be installed properly only in their intended application and the installation information is widely available to the public, it appears that there is little likelihood that installers will not be able to access the installation instructions. Furthermore, we note that Ford has stated that they are not aware of any customer field reports of service seat belt assemblies being incorrectly installed in the subject applications, nor aware of any reports requesting installation instructions. These findings suggest that it is unlikely that seat belts have been improperly installed.

In addition, although 49 CFR Part 571.209 paragraph S4.1(k) requires certain instructions specified in SAE Recommended Practice J800c be included in seat belt replacement instructions, that requirement applies to seat belts intended to be installed in seating positions where seat belts do not already exist. The subject seat belt assemblies are only intended to be used for replacement of original equipment seat belts, therefore the instructions do not apply to the subject seat belt assemblies.¹

With respect to seat belt usage and inspection instructions, we note that this information is available in the Owner Guides that are included with each new vehicle as well as free of charge on the Ford Motorcraft Web site

and apply to the replacement seat belt assemblies installed in these vehicles. Thus, with respect to usage and maintenance instructions, it appears that Ford has met the intent of S4.1(l) of FMVSS No. 209 for the subject vehicles using alternate methods for notification.

NHTSA has granted similar petitions for noncompliance with seat belt assembly installation and usage instruction standards. Refer to Subaru of America, Inc. (65 FR 67471, November 9, 2000); Bombardier Motor Corporation of America, Inc. (65 FR 60238, October 10, 2000); TRW, Inc. (58 FR 7171, February 4, 1993); and Chrysler Corporation, (57 FR 45865, October 5, 1992). In all of these cases, the petitioners demonstrated that the noncompliant seat belt assemblies were properly installed, and due to their respective replacement parts ordering systems, improper replacement seat belt assembly selection and installation would not be likely to occur.

In consideration of the foregoing, NHTSA has decided that Ford has met its burden of persuasion that the seatbelt installation and usage instruction noncompliances described are inconsequential to motor vehicle safety. Accordingly, Ford's application is granted, and it is exempted from providing the notification of noncompliance that is required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by 49 U.S.C. 30120. All products manufactured or sold on and after June 26, 2007, must comply fully with the requirements of FMVSS No. 209.

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

Issued on: February 25, 2008.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E8-4043 Filed 2-29-08; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-28735; Notice 2]

Mazda North American Operations, Grant of Petition for Decision of Inconsequential Noncompliance

Mazda North American Operations (Mazda) has determined that an unspecified quantity of replacement seat belt assemblies that it delivered prior to June 25, 2007 did not comply with paragraphs S4.1(k) and S4.1(l) of 49 CFR

571.209, Federal Motor Vehicle Safety Standard (FMVSS) No. 209 *Seat Belt Assemblies*. Mazda has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Mazda 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. Notice of receipt of the petition was published, with a 30-day public comment period, on October 4, 2007 in the **Federal Register** (72 FR 56826). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2007-28735."

For further information on this decision, contact Ms. Claudia Covell, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5293, facsimile (202) 366-7002.

Paragraphs S4.1(k) and S4.1(l) of FMVSS No. 209 require:

(k) Installation instructions. A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items specified in SAE Recommended Practice J800c, "Motor Vehicle Seat Belt Installations," November 1973. If the assembly is for use only in specifically stated motor vehicles, the assembly shall either be permanently and legibly marked or labeled with the following statement, or the instruction sheet shall include the following statement:

This seat belt assembly is for use only in [insert specific seating position(s), e.g., "front right"] in [insert specific vehicle make(s) and model(s)].

(l) Usage and maintenance instructions. A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be

¹ Subaru of America, Inc.; Grant of Application for Decision of Inconsequential Non-Compliance (65 FR 67472)