

Regulations) (Part 210). The new expiration date for this information collection is September 30, 2006. (12) OMB No. 2130-0529, Disqualification Proceedings (Part 209). The new expiration date for this information collection is October 31, 2006. (13) OMB No. 2130-0534, Grade Crossing Signal System Safety (Part 234) (Form FRA F 6180.83). The new expiration date for this information collection is September 30, 2006. (14) OMB No. 2130-0035, Railroad Operating Procedures (Part 217). The new expiration date for this information collection is September 30, 2006. (15) OMB No. 2130-0523, Rear-End Marking Devices (Part 221). The new expiration date for this information collection is September 30, 2006. (16) OMB No. 2130-0535, Bridge Worker Safety Rules (Part 214). The new expiration date for this information collection is September 30, 2006. (17) OMB No. 2130-0509, State Safety Participation Regulations and Remedial Actions (Part 212) (Forms FRA F 6180.33/61/67/96/96A/109/110/111/112). The new expiration date for this information collection is November 30, 2006. (18) OMB No. 2130-0525, Certification of Glazing Materials (Part 223). The new expiration date for this information collection is November 30, 2006. (19) OMB No. 2130-0005, Hours of Service Regulations (Part 228) (Form FRA F 6180.3). The new expiration date for this information collection is December 31, 2006. (20) OMB No. 2130-0551, Regional Inspection Point Listing Forms. (Forms FRA F 6180.106(A)-(E)) The new expiration date for this information collection is January 31, 2007.

Persons affected by the above referenced information collections are not required to respond to any collection of information unless it displays a currently valid OMB control number. These approvals by the Office of Management and Budget (OMB) certify that FRA has complied with the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and with 5 CFR 1320.5(b) by informing the public about OMB's approval of the information collection requirements of the above cited forms and regulations.

**Authority:** 44 U.S.C. 3501-3520.

Issued in Washington, DC, on March 9, 2004.

**Maryann Johnson,**

*Acting Director, Office of Information Technology and Support Systems, Federal Railroad Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-16464; Notice 2]

#### The Goodyear Tire & Rubber Company, Grant of Petition for Decision of Inconsequential Noncompliance

The Goodyear Tire & Rubber Company (Goodyear) has determined that certain tires it manufactured from 1998 to 2003 do not comply with S6.5(f) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New pneumatic tires for vehicles other than passenger cars." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Goodyear 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 December 3, 2003, in the **Federal Register** (68 FR 67739). NHTSA received no comments.

S6.5(f) of FMVSS No. 119 requires that each tire shall be marked on each sidewall with "the actual number of plies." Goodyear produced 37,980 LT265/75R16 Wrangler RT/s LR-E tires during the period from February 1, 1998 to May 31, 2003, which do not comply with FMVSS No. 119, S6.5(f). These tires were marked with 3 plies in the sidewall while there were actually 2 plies in the sidewall.

Goodyear stated that this error occurred when these tires replaced the previous tires that had 3 plies in the sidewall. The new tires were changed to 2 plies but the mold drawing and specification were not revised to reflect this change.

Goodyear believes that this noncompliance is inconsequential to motor vehicle safety because the tires meet or exceed all applicable FMVSS performance standards, and all markings related to tire service (load capacity, corresponding inflation pressure, load range, etc.) are correct. Goodyear asserts that the mislabeling noted above creates no unsafe condition.

The agency agrees with Goodyear's statement that the incorrect designation of 3 plies when there were actually 2 plies on each tire does not present a serious safety concern. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliance on the operational safety of vehicles on which

these tires are mounted. The safety of people working in the tire retread, repair, and recycling industries must also be considered.

Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as the load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

The agency believes the noncompliance will have no measurable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewalls are not of steel cord construction, but are actually polyester, this potential safety concern does not exist.

In addition, the tires are certified to meet all the performance requirements of FMVSS No. 119. All other informational markings as required by FMVSS No. 119 are present. Goodyear has also 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, Goodyear'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)

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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