

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. NHTSA-2004-17439; Notice 1]

**Kia Motors America, Inc. and Kia Motors Corp., Receipt of Petition for Decision of Inconsequential Noncompliance**

Kia Motors America, Inc. and Kia Motors Corp. (Kia), have determined that certain vehicles that Kia produced do not comply with provisions of Federal Motor Vehicle Safety Standard (FMVSS) Nos. 101, "Controls and displays;" 105, "Hydraulic and electric brake systems;" and 135, "Passenger car brake systems." 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 496,058 vehicles that do not meet the letter height requirements for brake system warning lights for the abbreviation "ABS" and in some cases the word "brake." FMVSS No. 101, "Controls and displays," Table 2, Column 3, "Identifying Words or Abbreviation," with regard to brake systems says, "\* \* \* see FMVSS 105 and 135." S5.3.5 of FMVSS No. 105, "Hydraulic and electric brake systems," 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."

A total of 460,792 vehicles do not meet the letter height requirements for the word "brake" and abbreviation "ABS" for brake warning systems. These noncompliant vehicles are 143,046 MY 2000-2001 Sephias with a "brake" letter height of 2.2 mm and an "ABS" letter height of 1.7 mm, 128,565 MY 2002-2004 Sedonas with a "brake" letter height of 1.9 mm and an "ABS" letter height of 1.9 mm, and 189,181 MY 2000-2004 Spectras with a "brake"

letter height of 2.2 mm and an "ABS" letter height of 1.7 mm.

An additional 35,266 vehicles do not meet the letter height requirements for the abbreviation "ABS." These noncompliant vehicles are 957 MY 1995-1999 Sephias with an "ABS" letter height of 2.8 mm, 33,023 MY 2003-2004 Sorentos with an "ABS" letter height of 1.9 mm, and 1286 MY 2001-2004 Rios with an "ABS" letter height of 2.0 mm.

Kia believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted. Kia states that the brake and ABS system warning lights are positioned for ready viewing by the driver, and that they are illuminated in red (brake warning light) or yellow (ABS light), colors that are generally understood by vehicle users to be indicators of unsafe condition.

Kia says that NHTSA has acted on four petitions involving brake system warning lights that were in noncompliance with the labeling requirements of FMVSS No. 101, 105, or 135. Kia summarizes these actions as follows:

In 1982, NHTSA granted a Subaru of America, Inc. petition involving passenger vehicles which used the ISO symbol in conjunction with the word "brake," but where the lettering of "brake" was only 2.2 mm high. NHTSA agreed that the positioning of the warning light, combined with the ISO symbol, was an easily identifiable and very readable display. (47 FR 31347, 7/19/82). In 1985, NHTSA denied a Volkswagen of America, Inc. petition involving passenger vehicles which also used the ISO symbol instead of the word "brake." (50 FR 28678, 7/15/85). In 1986, recognizing the then growing use and acceptance of ISO symbols for vehicle controls and displays, NHTSA granted an Alfa Romeo, Inc. petition involving passenger vehicles which also used the ISO symbol instead of the word "brake." (51 FR 36769, 10/15/86). In 1994, NHTSA granted a Ford Motor Company petition involving passenger vehicles which, instead of having the brake system warning light identified by the word "brake," had it instead identified by the ISO symbol. (59 FR 40409, 8/8/94). In granting this petition, NHTSA commented that recognition of ISO symbols among the public had been increasing and was likely to increase still further over time.

Kia further states that the brake and antilock system warning lights in all the Kia vehicles involved in this petition include an ISO symbol combined with the word "brake" or the abbreviation "ABS." Kia asserts that NHTSA has stated that recognition of ISO symbols among the public has steadily increased over recent years, and NHTSA has recently proposed the adoption of ISO symbols for controls and displays in motor vehicles, including the same ISO symbols utilized by Kia in the affected

vehicles. Kia quotes from NHTSA's notice of proposed rulemaking as follows: "The ISO symbol set has existed for many years. The great majority of vehicles manufactured for sale in the U.S. already use many of these symbols. As a result, U.S. drivers have become familiar with many of them through exposure in their current vehicles."

Kia states that it believes the ISO symbols which it uses in conjunction with the word "brake" and abbreviation "ABS" are commonly understood by the driving public. Kia says that, although the "brake" or "ABS" lettering within the warning light is less than the minimum letter height standard of 3.2 mm, the combined height of the entire brake or ABS warning light symbol and lettering ranges from a low of 6 mm for the brake light in the Kia Sephia to a high of 6.8 mm for the ABS light in the Kia Sedona, which significantly exceeds the 3.2 mm standard of FMVSS Nos. 101, 105, and 135. Kia asserts that all these factors (positioning, color, use of the ISO symbol, and combined size of both the lettering and symbol) combine to assure an easily identifiable and very readable display.

Kia asserts that, for the above reasons, 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. Nor, Kia says, has it received any complaints regarding the size or visibility of either light.

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.

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: 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.*

[FR Doc. 04-8926 Filed 4-19-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-17437; Notice 1]

#### PACCAR, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

PACCAR, Inc. (PACCAR), has determined that the trailer antilock brake system (ABS) warning lights on certain vehicles that were produced by Peterbilt Motors Company (Peterbilt), a division of PACCAR, from April 3, 2003 to November 28, 2003 do not comply with S5.1.6.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 121, "Air brake systems." PACCAR 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), PACCAR 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 PACCAR'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.

Approximately 4009 Peterbilt models 378, 379, 385, and 387 are affected. S5.1.6.2(b) of FMVSS No. 121 requires that "Each \* \* \* truck tractor \* \* \* shall \* \* \* be equipped with an indicator lamp \* \* \* which is activated whenever the [antilock brake system] malfunction signal circuit \* \* \* receives a signal indicating an ABS

malfunction on one or more towed vehicle(s)."

The affected vehicles have two types of fluorescent lights installed in the cab sleeper. These lights create an electromagnetic interference (EMI) with the trailer ABS malfunction signal manufactured by Power Line Carrier (PLC). The fluorescent lights, when on, can interfere with the proper operation of the PLC signal, preventing the telltale from functioning. The PLC signal and the telltale operate correctly when the fluorescent light in the sleeper is off.

PACCAR believes that the noncompliance is inconsequential to motor vehicle safety, and that no corrective action is warranted. PACCAR states that the in-cab trailer ABS malfunction warning lamp is redundant to the existing trailer ABS malfunction indicator lamp located on the exterior of the trailer and visible from the driver side mirror. PACCAR explains, "Prior to the in-cab warning lamp, the trailer mounted indicator was the only warning available to drivers. The indicator on the exterior of the trailer is not affected by this defect and would continue to warn the driver in the event of a trailer ABS malfunction. All trailers are required to be equipped with an external antilock malfunction indicator lamp through March 1, 2009."

PACCAR states that the in-cab warning lamp will not function only if the fluorescent light in the sleeper is on. PACCAR asserts that this is not likely to occur while the vehicle is being driven and if so, it would be a small percentage of the time.

PACCAR explains that not all suspect vehicles will exhibit the behavior, because due to manufacturing variances, some fluorescent lights emit more EMI than others. PACCAR states that the PLC signal strength from the trailer is also a factor. PACCAR explains that the telltale will operate normally in most cases with a strong trailer PLC signal and only marginal EMI; however the telltale will not operate with a normal to marginal trailer PLC signal and high EMI.

PACCAR also states that the foundation brakes on the trailer are not impacted.

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.

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: 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.*

[FR Doc. 04-8930 Filed 4-19-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-17438; Notice 1]

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

Pirelli Pneumatici S.p.A has determined that certain tires it produced in 2003 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." Pirelli Tire LLC (Pirelli), as agent for Pirelli Pneumatici S.p.A, 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), Pirelli 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.