

The comment does not address this issue, and therefore is not persuasive in its argument that the petition should not be granted.

The agency agrees with Ford this noncompliance will not have an adverse effect on vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is whether the rim size and type information is readily available to potential users. As Ford states, the rim size and type are marked on the wheels of the vehicle, thus providing the information needed to ensure that the vehicles are equipped with the proper rims. Ford has not received any owner or field complaints regarding the label omission, and it 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, Ford'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)

Issued on: July 22, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-17107 Filed 7-27-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2004-17901; Notice 2]

#### Yokohama Tire Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

Yokohama Tire Corporation (Yokohama) has determined that certain tires it manufactured in 2002 do not comply with S6.5(d) of 49 CFR 571.119, 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), Yokohama Tire Corporation on behalf of Yokohama Rubber Co., Ltd. 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 in the **Federal Register** on June 3, 2004 (69 FR 31452),

with a 30-day comment period. NHTSA received no comments.

Yokohama Rubber Co., Ltd. produced size 185R14 8PR Y356 light truck tires during 2002 whose load range is "D" but are incorrectly labeled on the tire sidewall as having a load range "C," adjacent to the correct ply rating "8PR." Therefore, they do not comply with FMVSS No. 119 S6.5(d), which requires that "each tire shall be marked on each sidewall with \* \* \* (d) The maximum load rating and corresponding inflation pressure of the tire." Although 424 tires were manufactured with the incorrect load range label, 294 of the tires were found and quarantined to prevent sales and distribution. However, 130 tires are unaccounted for and are considered distributed and sold into the United States market. It is these 130 tires that are the subject of this petition.

Yokohama believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Yokohama states that reliance upon the misbranding of load range "C" would not pose any threat to motor vehicle safety since the tires' actual carrying capability by specification is load range "D." Thus, the tires' true capability exceeds that of a load range "C" tire.

The agency agrees with Yokohama's statement that the incorrect markings do not present a serious safety concern. There is no effect of the noncompliance on the operational safety of vehicles on which these tires are mounted, since the tires' actual carrying capacity is greater than the load range labeled on the tires. In addition, the tires are certified to meet all the performance requirements of FMVSS No. 119 and all other informational markings as required by FMVSS No. 119 are present. Yokohama 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, Yokohama'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).

Issued on: July 22, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

[FR Doc. 04-17108 Filed 7-27-04; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-18610]

#### Notice of Receipt of Petition for Decision That Nonconforming 1999 Cagiva Gran Canyon 900 Motorcycles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1999 Cagiva Gran Canyon 900 motorcycles 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 Cagiva Gran Canyon 900 motorcycles 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 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 30 days after publication in the **Federal Register**.

**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**.

Wallace Environmental Testing Laboratories, Inc. (WETL) (Registered Importer 90-005) has petitioned NHTSA to decide whether non-U.S. certified 1999 Cagiva Gran Canyon 900 motorcycles are eligible for importation into the United States. The vehicles that WETL believes are substantially similar are 1999 Cagiva Gran Canyon 900 motorcycles that were manufactured for 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 carefully compared non-U.S. certified 1999 Cagiva Gran Canyon 900 motorcycles 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.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 1999 Cagiva Gran Canyon 900 motorcycles, 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 Cagiva Gran Canyon 900 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 122 *Motorcycle Brake*

*Systems*, 123 *Motorcycle Controls and Displays*, and 205 *Glazing Materials*.

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

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) installation of U.S.-model headlamp assemblies, which incorporate headlamps that are certified to DOT requirements; (b) installation of amber front and red rear reflex reflectors, which are certified to DOT requirements.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: (a) installation of a tire information placard; (b) inspection of all vehicles to ensure compliance with rim marking requirements, and replacement of rims that are not properly marked.

The petitioner also states that a certification label must be affixed to the motorcycle to comply with the requirements of 49 CFR part 567.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

**Claude H. Harris,**  
*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 04-17189 Filed 7-27-04; 8:45 am]  
**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34518]

#### Central Illinois Railroad Company— Operation Exemption—Rail Line of the City of Peoria and the Village of Peoria Heights in Peoria and Peoria Heights, Peoria County, IL

Central Illinois Railroad Company (CIRY), a Class III rail carrier, has filed a verified notice of exemption under 49

CFR 1150.41, *et seq.*, to operate a line of railroad owned by the City of Peoria and the Village of Peoria Heights, IL (the Cities), known as the Kellar Branch, and also known as the Peoria, Peoria Heights & Western Railroad. The line extends from EPS 80+15 (milepost 1.71) to EPS 516+21 (milepost 10.0), a distance of 8.29 miles in Peoria County, IL. CIRY states that the notice has been filed at the request of the Cities for CIRY to replace the current operator of the line, Pioneer Industrial Railway Company (PIRY), upon expiration of the operating agreement between the Cities and PIRY on July 10, 2004.<sup>1</sup>

Certification is made that CIRY's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier. The transaction was scheduled to be consummated no earlier than July 5, 2004 (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34518, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: July 20, 2004.

By the Board, David M. Konschnick,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 04-16931 Filed 7-27-04; 8:45 am]  
**BILLING CODE 4915-01-P**

<sup>1</sup> In the notice, CIRY indicated that PIRY has made it known that it will refuse to voluntarily give up its authority to operate over the branch, and that it will be necessary for the Cities to file an application for adverse discontinuance of PIRY's operation. On June 30, 2004, PIRY filed a petition to reject or revoke the notice or, alternatively, to stay its effectiveness. CIRY filed a reply on July 1, 2004. The stay request was denied by decision served on July 1, 2004. However, to assure coordination of dispatching of both PIRY's and CIRY's operations on the line, the decision required that CIRY certify to the Board that coordination protocols for dual operations were in place before CIRY could commence operations. The rejection/revocation request will be addressed in a separate Board decision.