

The COTR will review the draft report and provide comments to the Grantee within 15 days of receipt of the document.

d. *Final Report:* The revised Final Report will be delivered to the COTR one (1) month before the end of the performance period and reflect the COTR's comments. The comprehensive report will detail the major activities, events, data collection, methodology, and best practices/strategies that can be replicated in other States. The Grantee shall supply the COTR with:

- Four hard copies of the final document;
- A disk (or CD-ROM) of the report in Microsoft Word Format; and
- A redlined version of the Final Report reflecting changes made in response to the COTR's comments.

e. *Briefings and Presentations:* The Grantee will be required to conduct a final briefing with NHTSA officials and other invited parties in Washington, DC upon the completion of the project. An initial briefing and an interim briefing, approximately midway through the period of performance, may be required. The Grantee will be required to prepare an article and submit it for publication in a professional journal. All articles and briefings shall be submitted to NHTSA initially in draft format for review and comment. The Grantee will be required to submit drafts to the COTR 30 days before the event date or publication submission date.

3. During the effective performance period of Cooperative Agreements awarded as a result of this announcement, the agreement shall be subject to NHTSA's General Provisions for Assistance Agreements, dated July 1995.

Issued on: May 4, 2004.

**Sue D. Ryan,**

*Director, Office of Safety Programs, Program Development and Delivery.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA-02-13847]

#### Insurer Reporting Requirements; Reports Under 49 U.S.C. on Section 33112(c)

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces publication by NHTSA of the annual insurer report on motor vehicle theft for the 1998 reporting year. Section 33112(h) of Title 49 of the U.S. Code, requires this information to be compiled periodically and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. As required by section 33112(c), this report provides information on theft and recovery of vehicles; rating rules and plans used by motor vehicle insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts.

**ADDRESSES:** Interested persons may obtain a copy of this report and appendices by contacting the U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 10 a.m. to 5 p.m.]. Requests should refer to Docket No. 2002-13847. This report without appendices may also be viewed on-line at: <http://www.nhtsa.dot.gov/cars/rules/theft>.

**FOR FURTHER INFORMATION:** Ms. Rosalind Proctor, Office of Planning and Consumer Standards, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTARY INFORMATION:** The Motor Vehicle Theft Law Enforcement Act of 1984 (Theft Act) was implemented to enhance detection and prosecution of motor vehicle theft (Pub. L. 98-547). The Theft Act added a new Title VI to the Motor Vehicle Information and Cost Savings Act, which required the Secretary of Transportation to issue a theft prevention standard for identifying major parts of certain high-theft lines of passenger cars. The Act also addressed several other actions to reduce motor vehicle theft, such as increased criminal penalties for those who traffic in stolen vehicles and parts, curtailment of the exportation of stolen motor vehicles and off-highway mobile equipment, establishment of penalties for dismantling vehicles for the purpose of trafficking in stolen parts, and development of ways to encourage decreases in premiums charged to consumers for motor vehicle theft insurance.

Title VI (which has since been recodified as 49 U.S.C. Chapter 331), was designed to impede the theft of motor vehicles by creating a theft prevention standard which required manufacturers of designated high-theft car lines to inscribe or affix a vehicle

identification number onto major components and replacement parts of all vehicle lines selected as high theft. The theft standard became effective in Model Year 1987 for designated high-theft car lines.

The Anti Car Theft Act of 1992 (Pub. L. 102-519) amended the law relating to the parts-marking of major component parts on designated high-theft vehicles. One amendment made by the Anti Car Theft Act was to 49 U.S.C. 33101(10), where the definition of "passenger motor vehicle" now includes a "multipurpose passenger vehicle or light-duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." Since "passenger motor vehicle" was previously defined to include passenger cars only, the effect of the Anti Car Theft Act is that certain multipurpose passenger vehicle (MPV) and light-duty truck (LDT) lines may be determined to be high-theft vehicles subject to the Federal motor vehicle theft prevention standard (49 CFR Part 541).

Section 33112 of Title 49 requires subject insurers or designated agents to report annually to the agency on theft and recovery of vehicles, on rating rules and plans used by insurers to reduce premiums due to a reduction in motor vehicle thefts, and on actions taken by insurers to assist in deterring thefts. Rental and leasing companies also are required to provide annual theft reports to the agency. In accordance with 49 CFR 544.5, each insurer, rental and leasing company to which this regulation applies must submit a report annually not later than October 25, beginning with the calendar year for which they are required to report. The report would contain information for the calendar year three years previous to the year in which the report is filed. The report that was due by October 25, 2001 contains the required information for the 1998 calendar year. Interested persons may obtain a copy of individual insurer reports for CY 1998 by contacting the U.S. Department of Transportation, Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 10 a.m. to 5 p.m.]. Requests should refer to Docket No. 2002-13847.

The annual insurer reports provided under section 33112 are intended to aid in implementing the Theft Act and fulfilling the Department's requirements to report to the public the results of the insurer reports. The first annual insurer report, referred to as the Section 612 Report on Motor Vehicle Theft, was prepared by the agency and issued in December 1987. The report included theft and recovery data by vehicle type,

make, line, and model which were tabulated by insurance companies, and rental and leasing companies. Comprehensive premium information for each of the reporting insurance companies was also included. This report, the fourteenth, discloses the same subject information and follows the same reporting format.

Issued on: June 4, 2004.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Recall Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for an investigation into the adequacy of a safety recall.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30120(e) by Mr. Philip N. McBroom, requesting that the agency commence a proceeding to determine the adequacy of the remedy utilized by DaimlerChrysler Corporation to address a safety-related defect in Safety Recall 98V-184. After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as RP04-001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan White, Chief, Defect Assessment Division, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5226.

**SUPPLEMENTARY INFORMATION:** On February 6, 2004, Mr. Philip N. McBroom submitted a petition requesting that the agency investigate the adequacy of the remedy used by DaimlerChrysler in Safety Recall 98V-184. The petition alleges his model year (MY) 1997 Dodge Intrepid had an engine compartment fire after the recall repairs had been made to his vehicle prior to his ownership. He further alleges that he smelled fuel fumes and did not observe any exterior fuel leakage from the vehicle prior to the fire. The vehicle was a total loss and has been

salvaged. The specific cause of this alleged fire is not known.

On August 6, 1998, DaimlerChrysler filed a Defect Information Report, Recall No. 98V-184, concerning engine compartment fuel rail leaks and potential fire in approximately 722,600 vehicles built with 3.5L V6 engines, including the MY 1997 Dodge Intrepid. DaimlerChrysler reported that a fuel leak could result from deteriorated nitrile rubber fuel rail o-rings or hairline cracks in the outlet (passenger) side thermoset plastic fuel injection rail. The recall remedy involved replacement of the fuel rail nitrile o-rings with new o-rings of fluorocarbon composition and reinforcement of the outlet fuel rail. Those vehicles that exhibit fuel leakage of the outlet fuel rail, as determined by a leak test, would have the outlet fuel rail replaced.

On July 10, 1998, NHTSA opened a recall query (RQ98-018), to examine the adequacy of the remedy DaimlerChrysler used in recall 98V-184. At its closing on July 8, 2002, it concluded approximately 80 percent of the recall population has been remedied by March 2002, and that 99.7 percent of alleged remedy failures were corrected after two dealer visits using DaimlerChrysler's modified remedy procedures. Since the closing of RQ98-018 ODI has received a total of 38 complaints of engine compartment fuel leakage in the entire recall population after the recall remedy was performed, including 11 complaints on the 1997 Dodge Intrepid. Of these 11 reports, three concerned a part failure unrelated to the recall remedy, two concerned the same part, and six reports concerned unknown or unspecified fuel component failures. Two of these 11 complaints reported an engine compartment fire, including Mr. McBroom's vehicle. Mr. McBroom's vehicle was investigated by the local North Star Fire Department, which stated that the cause of the engine compartment fire was undetermined.

On September 11, 2000, ODI was petitioned (RP00-001) to investigate the effectiveness of DaimlerChrysler's remedy procedure in recall 98V-184. On October 23, 2000, the petitioner was informed that the information she provided would be considered as part of RQ98-018. The information obtained in the investigation has shown that while post-repair leakage complaints have leveled off to approximately 20 per year, most are unrelated to the recall remedy. There is no new information obtained since the closing of RQ98-018 that would indicate any basis for reopening it.

For the foregoing reasons, further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. Therefore, the petition is denied.

**Authority:** 49 U.S.C. 30120(e); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 3, 2004.

**Kenneth N. Weinstein,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-15819; Notice 2]

#### Mitsubishi Motors North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

Mitsubishi Motors North America, Inc. (MMNA) has determined that approximately 25,832 vehicles equipped with new pneumatic tires failed to comply with certain provisions mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 110, "Tire selection and rims," regarding the vehicle normal load.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), MMNA has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and had filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports."

Notice of receipt of the application was published, with a 30-day comment period, on September 15, 2003, in the **Federal Register** (68 FR 54047). NHTSA received no comment on this application.

Mitsubishi Motors Sales Caribbean, Inc., and DaimlerChrysler Corporation (at that time, Chrysler Corporation) imported and distributed approximately 25,832 vehicles (Mitsubishi Mirages and Chrysler Eagle Summits), during the periods of September 22, 1994, through May 9, 1996. FMVSS No. 110, "Tire selection and rims," S4.2.2, mandates that the vehicle's normal load on each tire must not exceed the test load for the high speed performance test as specified in FMVSS No. 109, "New pneumatic tires," paragraph S5.5. Paragraph S5.5.1 requires that the tire and wheel assembly be mounted and pressed against the test wheel with a load of 88 percent of the tire's maximum load rating as marked on the tire sidewall.

As reported by MMNA, the tires on the front axle of each affected vehicle,