

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19991; Notice 1]

## Coupled Products, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Coupled Products, Inc. (Coupled Products) has determined that certain hydraulic brake hose assemblies that it produced do not comply with S5.3.4 and S5.3.6 of 49 CFR 571.106, Federal Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake hoses." Coupled Products 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), Coupled Products 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 Coupled Product'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.

A total of approximately 7,417 brake hose assemblies are affected, utilizing a fitting identified as Part Number 12271 which was incorporated into 6,075 assemblies bearing Part Number 3381 and 1,244 assemblies bearing Part Number 3381A; plus 98 assemblies bearing a fitting with Part Number 380653.

S5.3.4 of FMVSS No. 106, tensile strength, requires that "a hydraulic brake hose assembly shall withstand a pull of 325 pounds without separation of the hose from its end fittings." S5.3.6 of FMVSS No. 106, water absorption and tensile strength, requires that "a hydraulic brake hose assembly, after immersion in water for 70 hours, shall not rupture when run continuously on a flexing machine for 35 hours."

The potentially affected hoses were manufactured during the time period of January 30, 2004 through September 10, 2004, using a "straight cup" procedure rather than the appropriate "step cup" procedure. Coupled Products states that these hoses were sold for original equipment applications. Compliance testing by the petitioner of sample hose assemblies from each of the affected part numbers revealed that they failed the tensile strength test, and also failed the water absorption and tensile strength test.

Coupled Products believes that the noncompliance is inconsequential to

motor vehicle safety and that no corrective action is warranted. The petitioner states the following:

Part number 12217 is used in assemblies for SUV and pick-up truck applications. Part number 380653 is utilized for suspension lift kits. \* \* \* [T]he hose assemblies in these applications are located in a location that is above significant pieces of vehicle hardware including the driveshaft, differential case, and fuel tank (Hardware). This configuration is such that a linear, end-to-end "straight pull" on the hose assembly, as that contained in the FMVSS No. 106 tensile strength test procedure, is not a real-life scenario. Rather than a "straight pull," it is more likely (albeit remote) that the free length of the hose itself could be entangled or caught on a piece of road debris or other obstruction, resulting in a "side pull" on the assembly. This scenario itself is remote because the underlying hardware shields the hose assembly. Therefore, if debris were to become entangled in the hose assembly, it would first have to bypass the Hardware. If that were to occur, the impact would need to be so great as to make the concern of braking potential irrelevant.

Despite the fact that tensile stress on the assembly is an unlikely real life scenario, to assess the impact of this unlikely scenario, petitioner conducted a side pull tensile test on a sample of the subject brake hose assemblies to simulate the possible effect of a side pull on the integrity of the hose assembly. \* \* \* The "side pull" test results show that the tensile load achieved prior to the ends separating from the hose exceeded 538 pounds in each of the samples analyzed for tensile results—well in excess of the 325 pound requirement.

Coupled Products states that in other cases NHTSA determined that a FMVSS No. 106 noncompliance is inconsequential where, because of the specific vehicle application involved, the hose assembly would not be subject to the type of forces specified in the standard. Coupled Product says:

See, e.g., General Motors Grant of Petition \* \* \* 57 FR 1511 (January 14, 1992) (granting petition with respect to adhesion test noncompliance because, among other reasons, the "end use of the hoses was such that they were subject to pressure, not vacuum applications"), and Mitsubishi Motors America Grant of Petition \* \* \* 57 FR 45868 (October 5, 1992) (same).

Coupled Products further states:

Because the braking system on the vehicles in question utilizes a dual chamber master cylinder, any failure of the hose assembly due to excessive tensile force—unlikely as that may be—will not result in a loss of braking capability of the vehicle. Depending on the assembly affected, front or rear braking capability would still exist, although additional stopping distance might be required. Furthermore, the vehicle's emergency braking system would also exist.

Couple Products indicates that the problem has been corrected.

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: February 14, 2005.

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

Issued on: January 10, 2005.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 05-859 Filed 1-13-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19257; Notice 2]

## The Spares Company, Denial of Petition for Decision of Inconsequential Noncompliance

The Spares Company (Spares), has determined that air brake hose assemblies it manufactured from 2000 to 2004 do not comply with S7.2.3 of 49

CFR 571.106, Federal Motor Vehicle Safety Standard (FMVSS) No. 106, "Brake Hoses." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Spares 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, with a 30 day comment period, on October 8, 2004 in the **Federal Register** (69 FR 60460). NHTSA received two comments.

A total of approximately 17,000 aftermarket air brake hose assemblies produced between November 2000 and June 2004 are affected. S7.2.3 of FMVSS No. 106 requires that "each air brake hose assembly made with end fittings that are attached by crimping or swaging \* \* \* shall be labeled by means of a band around the brake hose assembly \* \* \* [with the DOT symbol and the name of the manufacturer] or, at the option of the manufacturer, by means of labeling [of at least one end fitting which is etched, stamped or embossed with a designation that identifies the manufacturer]." The affected brake hoses do not have the manufacturer's label or a designation of the manufacturer as required by S7.2.3.

Spares manufactured these brake hose assemblies from its incorporation date in November 2000 until June 2004, when production was stopped because Spares discovered the noncompliance.

Spares believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Spares explains that the units are assembled by Spares using Goodyear-labeled hoses and RB Royal-labeled fittings. Spares states that the "brake hose assemblies meet all functional performance requirements of the standard for the hose, the fittings, and the assembly and therefore will perform exactly as intended."

Spares further states that there have been no complaints from any distributor or consumer concerning the functioning of the brake hose assemblies. Spares has begun notifying all of its distributors of the labeling defect and will provide a band for each noncomplying hose currently remaining in the distributors' possession. Also, Spares has corrected the problem.

The agency received two public comments. One was received from an individual who stated he has many years of experience in brake systems and components for air braked vehicles. He agreed with Spares' assertion that the lack of a labeling band is inconsequential to safety as long as all

performance requirements of FMVSS No. 106 are met. The comment said in part:

Spares appears to be doing the right thing in supplying labeling bands to their distributor for application onto existing inventory. It would be very difficult, if not impossible, to notify vehicle owners about hoses sold in the aftermarket \* \* \*.

However, the fact that it may be difficult to notify vehicle owners does not lessen the consequence of the noncompliance to motor vehicle safety and therefore is not persuasive.

A second comment was from a private individual who supported not granting the petition. However, this commenter did not address the issue to be considered in determining whether to grant this petition, that is, is the effect of the noncompliance on motor vehicle safety. Therefore, this comment also was considered not to be persuasive.

This matter presents an unusual and unique notification issue. The air brake hose assemblies are not labelled to designate the manufacturer. NHTSA has reviewed the petition and has determined that the noncompliance is not inconsequential to motor vehicle safety. All brake hose assembly manufacturers are required to label their assemblies by either a band around the brake hose or by marking the end fitting with a designation that identifies the assembly manufacturer. This label is critical, since in cases where the assembly has a defect or a noncompliance the label would be the only way to identify and track the affected assemblies. Thus, the agency maintains a manufacturer identification database to ensure that each manufacturer has a unique identifier, so that in the event of a defect or noncompliance the manufacturer can be easily identified and consumers will be able to easily identify a product that may be the subject of a recall.

In consideration of the foregoing, NHTSA has decided that the petitioner has not met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Spares' petition is hereby denied.

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

Issued on: January 10, 2005.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 05-860 Filed 1-13-05; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

January 6, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before February 14, 2005, to be assured of consideration.

### Departmental Offices/Office of Foreign Assets Control

*OMB Number:* 1505-0167.

*Form Numbers:* TD F 90-22.52.

*Type of Review:* Extension.

*Title:* Cuban Remittance Affidavit.

*Description:* Submissions will provide the U.S. Government with information to be used in enforcing the prohibitions on the transmission of funds to Cuba by persons subject to U.S. jurisdiction.

*Respondents:* Individuals or households, Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 2,100,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 1 minute.

*Frequency of Response:* Other (variable).

*Estimated Total Reporting/Recordkeeping Burden:* 65,000 hours.

*Clearance Officer:* Lois K. Holland, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220, (202) 622-1563.

*OMB Reviewer:* Joseph F. Lackey, Jr., Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395-7316.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 05-823 Filed 1-13-05; 8:45 am]

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