Corbeil believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Corbeil states that school bus drivers in general are instructed and aware of the use of these mirrors for pedestrian purposes only. Further, the petitioner asserts that a very small number of vehicles are affected, over a time period of eight years, and that a recall would cost approximately $10,000 Canadian due to the need to recall all 8471 school buses produced from 1998 to 2005 to determine which of the estimated noncompliant 2.9% lack the label required by S9.3(c). Corbeil has corrected the problem.

The agency agrees with Corbeil that the noncompliance is inconsequential to motor vehicle safety. As Corbeil states, all school bus drivers are trained to assure they are knowledgeable and skilled in the operation of buses including the use of these mirrors and the fact that these mirrors are used for pedestrian purposes only. The number of vehicles with noncompliant mirrors is relatively small, and Corbeil has made changes in its quality assurance process to prevent future occurrences of this 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, Corbeil’s petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

Ronald L. Medford,
Senior Associate Administrator for Vehicle Safety.
[FR Doc. 05–11427 Filed 6–8–05; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
[Docket No. NHTSA–2005–21383; Notice 1]
Equistar Chemicals, LP, Receipt of Petition for Decision of Inconsequential Noncompliance

Equistar Chemicals, LP (Equistar) has determined that certain brake fluid that was manufactured in 2004 and that Equistar distributed does not comply with S5.1.7 of 49 CFR 571.116, Federal Motor Vehicle Safety Standard (FMVSS) No. 116, “Motor vehicle brake fluids.” Equistar 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), Equistar 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 Equistar’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 170,000 gallons of DOT–3 brake fluid designated as Lot 630 and manufactured by Oxid, LP in September 2004. FMVSS No. 116, S5.1.7, “Fluidity and appearance at low temperature,” requires that when brake fluid is tested as specified in the standard at storage temperatures of minus 50 ± 2°C, (a) The fluid shall show no sludging, sedimentation, crystallization, or stratification; and (b) Upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid shall not exceed 35 seconds. * * *

NHTSA’s compliance tests found that at minus 50°C, the noncompliant brake fluid freezes solid, therefore showing crystallization and failing the requirements of S5.1.7(a). NHTSA’s compliance tests also found that at minus 50°C, upon inversion of the sample bottle, the time required for the air bubble to travel to the top of the fluid exceeds 35 seconds, therefore failing the requirements of S5.1.7(b). The NHTSA test report can be found in the docket.

Equistar believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Equistar states the following:

Equistar asked Oxid, LP [the brake fluid manufacturer] to supply a copy of its data reporting the results of the tests it had previously conducted for * * * [the brake] fluid pursuant to the test requirements of S6.7 * * * . The data show that [the brake fluid] unconditionally passed the tests required by the applicable standard, including the minus 50°C test.

Equistar states that it had the noncompliant brake fluid further tested by another testing center, Case Consulting Laboratories, Inc. (Case), and that:

The samples tested by Case passed all of the required tests, including the minus 50°C
globules which Equistar
noncompliance petitions which Equistar
*** Equistar states that
the crystals and
globules” in the brake fluid “would not
pose a threat to the operation of the
brake fluid.” Equistar also asserts that
the results may be due to
Equistar also asserts that
Thus, the results of this Case test on the
retained sample do not constitute a failure of the
required test in Equistar’s view.

Equistar’s petition, including the test
data it submitted as attachments to its
petition, can be found in the NHTSA
docket.

Equistar states that “the crystals and
globules” in the brake fluid “would not
pose a threat to the operation of the
brake fluid.” Equistar also asserts that
the results may be due to “testing
laboratories that calibrate their testing
equipment in slightly different ways
Equistar refers to two prior
NHTSA grants of inconsequential
noncompliance petitions which Equistar
states involve “virtually identical
circumstances involving brake fluid
These are Dow Corning
Corporation (59 FR 52582, October 18,
1994) and First Brands Corporation (59
FR 62776, December 6, 1994).

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: July 8, 2005.
Authority: 49 U.S.C. 30118, 30120;
delegations of authority at CFR 1.50 and
501.8.
Issued on: June 3, 2005.

Ronald L. Medford,
Senior Associate Administrator for Vehicle
Safety.

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS
AFFAIRS

[OMB Control No. 2900–0094]
Agency Information Collection
Activities Under OMB Review

AGENCY: Veterans Benefits
Administration, Department of Veterans
Affairs.

ACTION: Notice.

SUMMARY: In compliance with the
Paperwork Reduction Act (PRA) of 1995
(44 U.S.C. 3501–3521), this notice
announces that the Veterans Benefits
Administration (VBA), Department of
Veterans Affairs, has submitted the
collection of information abstracted
below to the Office of Management and
Budget (OMB) for review and comment.
The PRA submission describes the
two nature of the information collection and
its expected cost and burden; it includes
the actual data collection instrument.

DATES: Comments must be submitted on
or before July 11, 2005.

FOR FURTHER INFORMATION: Denise
McLamb, Records Management Service
(005E3), Department of Veterans Affairs,
810 Vermont Avenue, NW.,
Washington, DC 20420, (202) 273–8030,
FAX (202) 273–5981 or e-mail:
denise.mclamb@mail.va.gov. Please
refer to “OMB Control No. 2900–0094.”

Send comments and recommendations
concerning any aspect of the
information collection to VA’s OMB
Desk Officer, OMB Human Resources
and Housing Branch, New Executive
Office Building, Room 10235,
Please refer to “OMB Control No. 2900–
0094” in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Supplement to VA Forms 21–
526, 21–534, and 21–535 (For
Philippine Claims), VA Form 21–4169.

OMB Control Number: 2900–0094.

Type of Review: Extension of a
currently approved collection.

Abstract: VA Form 21–4169 is used to
collect certain applicants’ service
information, place of residence, proof of
service, and whether the applicant was
a member of pro-Japanese, pro-German,
or anti-American Filipino organizations.
VA uses the information collected to
determine the applicant’s eligibility for
benefits based on Commonwealth Army
or recognized guerrilla services.

An agency may not conduct or
sponsor, and a person is not required to
respond to a collection of information
unless it displays a currently valid OMB
control number. The Federal Register
notice with a 60-day comment period
soliciting comments on this collection
of information was published on

AFFECTED PUBLIC: Individuals or
households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden Per
Respondent: 15 minutes.

Frequency of Response: One-time.
Estimated Number of Respondents: 1,000.

Dated: May 26, 2005.

Loise Russell,
Director, Records Management Service.

BIL]