

business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

(Authority: 5 U.S.C. 610; E.O. 12866, 58 FR 51735, Oct. 4, 1993.)

Issued this 14th day of January, 2005, in Washington, DC.

**Jeffrey A. Rosen,**  
General Counsel.

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**BILLING CODE** 4910-62-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Release Certain Properties From all Terms, Conditions, Reservation and Restrictions of a Quitclaim Deed Agreement Between the City of Fernandina Beach and the Federal Aviation Administration for the Fernandina Beach Municipal Airport, Fernandina Beach, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Request for public comment.

**SUMMARY:** The FAA hereby provides notice of intent to release certain airport properties (approximately 28.43 acres) at the Keystone Airpark, Starke, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the Town of Keystone Heights, dated August 21, 1947. The release of property will allow the Keystone Airpark Authority to dispose of the property for other than aeronautical purposes. The property is located in the southwest corner of the airport west of State Road 100 in proximity to the approach of Runway 4. The parcel is currently designated as non-aeronautical use. The property will be disposed of for the purpose of conveying title to the United States Department of the Interior for the protection of the Florida National Scenic Trail. The fair market value of the property has been determined by appraisal to be \$410,000. The airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvements project.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Airpark Clerk's office and the FAA Airports District Office.

**SUPPLEMENTARY INFORMATION:** Section 125 of The Wendell H. Ford Aviation

Investment and Reform Act for the 21st Century (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

**DATE:** February 26, 2005.

**ADDRESSES:** Documents are available for review at the Airport Clerk's office, Keystone Airpark Authority, 7100 Airport Road, Starke, FL 32091-9347, and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Richard M. Owen, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822-5024.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Owen, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822-5024.

**W. Dean Stringer,**

Manager, Orlando Airports District Office,  
Southern Region.

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2004-19217; Notice 2]

#### Mitsubishi Motor Sales Caribbean, Inc., Ruling on Petition for Decision of Inconsequential Noncompliance

Mitsubishi Motor Sales Caribbean, Inc. (MMSC) has determined that certain vehicles that it imported and distributed in 1997 through 2004 do not comply with S4.5.1(b)(2)(ii), (c)(1) and (e)(1)(ii) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, "Occupant Crash Protection." Pursuant to 49 U.S.C. 30118(d) and 30120(h), MMSC 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. Notice of receipt of MMSC's petition was published, with a 30 day comment period, on October 8, 2004, in the **Federal Register** (69 FR 60458). NHTSA received no comments.

A total of approximately 85,065 model year 1998 to 2005 Mitsubishi vehicles are affected. Approximately 70,592 Monteros, Nativas, Diamantes, Mirages, Lancers, and Outlanders covering model years from 1998 to 2005

do not comply with S4.5.1(b)(2)(ii), "Sun visor air bag warning label." Approximately 10,761 Nativas covering model years 2000-2004 do not comply with S4.5.1(c)(1), "Air bag alert label." Approximately 85,065 Monteros, Nativas, Diamantes, Mirages, Lancers, 3000 GTs, Outlanders, Galants, Eclipses, Eclipse Spydys, and Endeavors covering model years 1998-2005 do not comply with S4.5.1(e)(1)(ii), "Label on the dashboard."

The relevant requirements of FMVSS No. 208, S4.5.1, "Labeling and owner's manual information," are as follows: "(b)(2)(ii) The message area [of the permanent sun visor air bag warning label] \* \* \* shall be no less than 30 cm<sup>2</sup>. \* \* \* (c)(1) The message area [of the permanent sun visor air bag alert label] \* \* \* shall be no less than 20 square cm. \* \* \* (e)(1)(ii) The message area [of the temporary label on the dashboard] \* \* \* shall be no less than 30 cm<sup>2</sup>."

On the affected vehicles, the actual measurement of the English message area for the sun visor air bag warning label is 27 cm<sup>2</sup> rather than the required minimum of 30 cm<sup>2</sup>, for the sun visor alert label is 12 cm<sup>2</sup> rather than the required minimum of 20 cm<sup>2</sup>, and for the dash label is 19 cm<sup>2</sup> rather than the required minimum of 30 cm<sup>2</sup>. MMSC explains that these noncompliances resulted from reducing the English message areas when the respective Spanish translations were added.

MMSC believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. In support of its petition, MMSC states the following:

The likelihood consumers will perceive the presence of the labels is enhanced since the overall sizes of the bilingual labels are larger than the English-only labels while the understandability performance of the warnings is enhanced since the message reaches a wider audience than an English-only version.

The legibility of the labels at the required distance (*i.e.*, from all front seating positions) is not degraded since the font size, font color, and letter spacing remain the same as our English-only versions that meet the message area requirements.

The labels meet all other requirements in every respect including heading content, heading color, message content, message area color, message text color, alert symbol content, and alert symbol color. \* \* \*

Mitsubishi believes the percentage of vehicles actually fitted today with the non-compliant temporary dash labels is for all intents and purposes zero, considering in all likelihood they have already been removed by customers after purchase.