

4. Unloaded and Fully Loaded—500 ft., wet Jennite, 30 mph, Braking-in-a-curve tests (ABS Failure Modes).

The results were inconclusive. Noncompliant configurations performed better than compliant configurations during some stops and not as good as compliant configurations during other stops. Link attributed the confounding results to variability in the friction level of the wet Jennite surface during the tests.

#### *Summary and Conclusion*

The vehicle manufacturer installed faulty ABS modulator valves on the front steer axle of subject vehicles. The faulty valves were not manufactured within engineering specifications and do not rapidly release pressurized air from brake chambers as required. Laboratory test data results and analyses submitted by the vehicle manufacturer demonstrate the following:

1. When simulating severe braking events which require ABS activation, noncompliant vehicles would meet the pneumatic time requirement because pressurized air in the brake chamber quickly exhausts through the valve via ports controlled by ABS modulators.

2. There is no significant difference in stopping distances of noncompliant vehicles when compared to compliant vehicles during 60 mph panic stops.

3. There is no significant difference in stopping distances or vehicle stability of noncompliant vehicles when compared to compliant vehicles during 30 mph braking-in-a-curve tests.

4. There is no significant rise in brake lining temperatures of noncompliant vehicles when compared to compliant vehicles during repeated brake stops at 30–70 psi application pressures.

NHTSA has concluded that the test data results and analyses are sufficient to grant the petition for the specific conditions that cause the subject vehicles to be out of compliance with the standard's pneumatic release time requirement.

NHTSA emphasizes that in the case of the subject vehicles, only the failure of the release timing to meet the exact timing requirement for the brakes mounted on the steer axles of the subject truck tractors is at issue. The release timing requirements for the drive axles and for the trailer brake control line output coupling of the subject vehicles were not affected by this noncompliance and were not considered under this grant. NHTSA considers brake release timing to be an important element of FMVSS No. 121 requirements, because in the event a non-ABS trailer is being towed, the driver is able to quickly release the

brakes of any locked wheels to restore vehicle control and maintain yaw stability. Also, the release timing requirements ensure that brakes on certain axles of a vehicle combination (steer, drive, or trailer) do not excessively drag such that during repeated brake applications they become overly heated. The subject petition is granted solely on the demonstration by petitioner, comparing compliant and noncompliant vehicles, that the noncompliance in the subject vehicles does not create a significant safety risk. It is important that all other vehicles subject to these requirements continue to meet them.

In consideration of the foregoing, NHTSA concludes that VTN and MTI have provided sufficient information to indicate that the subject FMVSS No. 121 noncompliance is inconsequential to motor vehicle safety. Accordingly, VTN and MTI's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that VTN and MTI no longer controlled at the time that they determined that a noncompliance existed in the subject vehicles.

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

Issued on: March 28, 2012.

**Nancy Lummen Lewis,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0025; Notice 1]

#### **Bridgestone Americas Tire Operations, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Receipt of Petition.

**SUMMARY:** Bridgestone Americas Tire Operations, LLC, (Bridgestone),<sup>1</sup> has determined that certain Firestone Transforce AT, size LT265/70R17, light truck replacement tires manufactured between November 20, 2011 and December 10, 2011, do not fully comply with paragraph S5.5(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*. Bridgestone has filed an appropriate report dated January 9, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Bridgestone 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 Bridgestone'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.

*Tires Involved:* Affected are approximately 467 Firestone brand Transforce AT, size LT265/70R17, light truck replacement tires manufactured between November 20, 2011 and December 10, 2011, at the Bridgestone Canada, Inc., plant located in Uoliette, Quebec, Canada and imported into the United States by Bridgestone.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the 467<sup>2</sup> tires that Bridgestone no longer controlled at the time that it determined that a noncompliance existed in the subject tires.

*Noncompliance:* Bridgestone explains that the noncompliance is that the

<sup>1</sup> Bridgestone Americas Tire Operations, LLC (Bridgestone), is a Delaware corporation that manufactures and imports replacement equipment.

<sup>2</sup> Bridgestone's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Bridgestone as a replacement equipment manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for 467 of the affected tires. However, a decision on this petition will not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Bridgestone notified them that the subject noncompliance existed.

sidewall marking on the intended outboard sidewall of the subject tires describes the maximum load in kilograms incorrectly. Specifically, the tires in question were inadvertently marked with a maximum load of 1350 kg. The labeling should have read 1320 kg.

**Rule text:** Paragraph S5.5(d) of FMVSS No. 139 require in pertinent part:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width falls within that area, those markings must appear between the bead and a point one-half the distance from the bead to the shoulder of the tire, on at least one sidewall. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches \* \* \*

(d) The maximum load rating and for LT tires, the letter designating the tire load range; \* \* \*

#### Summary of Bridgestone's Analysis and Arguments

Bridgestone explains that while the noncompliant tires are mislabeled; the tires do in fact have the correct marking for the maximum load in pounds on the intended outboard sidewall, and the maximum load marking in both pounds and kg is correct on the intended inboard sidewall. The tires also meet or exceed all other applicable FMVSS.

Bridgestone argues that the subject mismarking is inconsequential as it relates to motor vehicle safety and is unlikely to have an adverse impact on motor vehicle safety since the actual performance of the subject tires will not be affected by the mismarking. Bridgestone supports this belief by stating that the tires met the performance requirements of FMVSS No. 139 for endurance and high speed when tested at the 1350 kg load.

Bridgestone also points out its belief that NHTSA has previously granted similar petitions for non-compliances in sidewall marking.

In summation, Bridgestone believes that the described noncompliance of its tires to meet the requirements of FMVSS No. 139 is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as

required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

**Comments:** Interested persons are invited to submit written data, views, and arguments on this petition. 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:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. *By hand delivery to* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. *Electronically:* by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477-78).

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:* May 4, 2012.

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

Issued on: March 29, 2012.

**Claude H. Harris,**  
*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2011-0083; Notice 1]

#### Michelin North America, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of Petition.

**SUMMARY:** Michelin North America, Inc.<sup>1</sup> (MNA) has determined that certain Michelin brand passenger car replacement tires, do not fully comply with paragraph S5.5<sup>2</sup> of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New pneumatic radial tires for light vehicles*. MNA has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (dated June 2, 2011).

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), MNA 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 MNA'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.

**Tires involved:** Affected are approximately 17,500 Michelin Primacy MXV4 TL passenger car replacement tires labeled as sizes P205 65 R15 94H, P205 65 R15 94V, and P225 55 R17 97H that were manufactured by SC Michelin Romania SA in Victoria, Romania between January 9, 2011 and May 28, 2011.

<sup>1</sup> Michelin North America, Inc. is a New York corporation that manufactures and imports motor vehicle replacement equipment.

<sup>2</sup> In its petition MNA states its belief that the subject tires do not meet the load marking requirements of 49 CFR 571.139 S5.5(d). However, the actual noncompliance is due to an error in the tire size designation marking required by 49 CFR 571.139 S5.5(b) which causes the load marking to appear to be incorrect.