already equipped with door beams and reinforced bumpers, such as those built for the Middle Eastern market. When it encounters a vehicle that lacks this equipment, J.K. stated that it makes the necessary modifications and furnishes NHTSA with an engineering report. Addressing the Standard No. 302 compliance issue raised by Volkswagen, J.K. stated that it inspects vehicle seats for a U.S. part number, and if one is not found, the material is treated with a flame retardant. With these modifications, as well as those outlined in the petition, J.K. asserts that the non-U.S. certified 1987 Golf will comply with all applicable standards.

NHTSA has reviewed each of the issues that Volkswagen has raised regarding J.K.'s petition. NHTSA believes that J.K.'s responses adequately address each of those issues. NHTSA further notes that the modifications described by J.K. to conform the vehicle to Standard No. 212, 214, 301, 302, and the Bumper Standard have been performed with relative ease on thousands of nonconforming vehicles imported over the years, and would not preclude the non-U.S. certified 1987 Volkswagen Golf from being found ''capable of being readily modified to comply with all Federal motor vehicle safety standards.'' NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–159 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1987 Volkswagen Golf not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1987 Volkswagen Golf originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 19, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

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BILLING CODE 4910–59–P

[Docket No. 96–003; Notice 2]

Michelin North America, Inc.; Grant of Application for Decision of Inconsequential Noncompliance

This notice grants the application by Michelin North America, Inc. (Michelin) of Greenville, South Carolina, to be exempted from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, ''New Pneumatic Tires.'' The basis of the petition is that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published on February 2, 1996, and an opportunity afforded for comment (61 FR 3962).

Background

Section S4.3(b) of FMVSS No. 109 requires that tires be labeled with the maximum permissible inflation pressure.

During the period of the 27th through the 37th week of 1995, Manufacture Francaise des Pneumatiques Michelin in Clermont-Ferrand, France, manufactured tires that had incorrect maximum inflation pressure information in pounds per square inch (psi), labeled on both tire sidewalls. Approximately 247 of the tires may have reached the United States. The subject tires, P185/75R14X Radial BW, are correctly labeled with a maximum inflation pressure of 240 kilopascals (kPa). The label on these tires incorrectly gives the maximum inflation pressure as 33 psi. The maximum inflation pressure should be 35 psi. All tires are sold only in the replacement market.

Michelin supported its petition for inconsequential noncompliance with the following:

[Michelin does] not believe that this minor error on the tire sidewall will impact motor vehicle safety since the pressure is correctly marked in kPa on the tire sidewall. Furthermore, the vehicle owners manual and/or vehicle placard, as required by 49 CFR Part 571.110 S4.3(c), instructs the user of the correct pressure to be used in the tire. Additionally, many publications, instructing the user to inflate tires to the recommended inflation found on the placard, are available to the public. Examples of these documents include:

1. Tire Industry Safety Council (CTG–1/94)—''Motorist's Tire Care and Safety Guide''—''The correct air pressure is shown on the tire placard (or sticker) attached to the vehicle-door post, glove box, or fuel door.''

2. Tire Industry Safety Council—April 4, 1995, release—''Owners should inflate tires for normal operation to the vehicle manufacturer's recommended inflation pressure found on the door post, glove box, or in the owner's manual.''

3. Rubber Manufacturers Association (ALT 8–87)—''Care and Service of Automobile and Light Truck Tires,'' ''Proper tire inflation is shown on the vehicle's tire placard. If there is no tire placard, consult the vehicle owner's manual or check with the tire or vehicle manufacturer for the proper inflation.''

Comments

One commenter, who describes himself as an ''experienced tire engineer,'' responded to the February 2, 1996, Federal Register notice. The commenter opposes granting the Michelin petition on the basis that the subject is not an ''inconsequential noncompliance,'' and should be denied. The commenter also trusts that a recall will be ordered should Michelin have prematurely, accidentally, or inadvertently released or distributed the 247 P185/75R14x Radial BW tires. He submitted the following reasons in support:

1. Having the incorrect maximum inflation pressure is a major safety problem *when it is on the tire.* Consumers and, more importantly, tire mounters refer most often to the tire itself for inflation information—and not to the door post, glove box, door edge, fuel door, or the usually missing owner's manual, or the many available public documents referenced.

2. Any one noticing a value on the tire being different from the other sources would trust the tire over the other information sources, particularly on a Michelin tire—one of the more widely-trusted brands.

3. Having the error occur in the psi value is much more detrimental than in the kPa value, since 99.9999 ad infinitum [percentage %] American would use the psi value and not the [kPa] value.

4. The actual conversion for 35 psi is 241 kPa—not 240 as Michelin claims.

5. * * * most gauges sold in the U.S. as well as most self-serve air supply gauges do not read in or show kPa.

6. If Michelin really wants to sell these mere 247 tires, they can easily brand the correct psi maximum value on the tires. Michelin might have to sell

them as BLEMs or seconds at a reduced price, but at least the tires would have the correct maximum inflation pressure of 35 psi, if not the correct maximum inflation pressure of 241, actually 241.32, kPa.

Discussion

Michelin has admitted manufacturing and not being able to locate approximately 247 P185/75R14x Radial BW tires that have incorrect maximum inflation pressure information in pounds per square inch labeled on both tire sidewalls. The actual mark on these tires is ''240 kPa(33psi)MAX.PRESS,'' and the required mark is ''240 kPa(35psi)MAX.PRESS.'' Michelin cites the availability of several publications which instruct users of the correct maximum inflation pressure to be used in tires. Michelin's inconsequentiality application does not address the potential safety hazard which could be caused by the reported noncompliance. Instead, Michelin argues that the noncompliance in labeling is minor because the maximum inflation pressure is correctly marked in kPa on the tire sidewall.

The potential safety hazard is overloading the vehicle on which the tires are installed. To determine whether there might be a potential overloading problem, the agency referred to The 1995 Tire and Rim Association Yearbook. The tire load limits at (240kPa/35psi) and (240kPa/33psi) are very close, the difference being approximately 55 lbs. (See Table I.)

Table I—1995—The Tire and Rim Association, Inc.

Tire Size Designation—P185/75*14
Tire Load Limits at Various Cold Inflation Pressures Standard Load
kPa—220 to 240
psi—32 to 35
Kg—560 to 585
lbs.—1,235 to 1,290

NHTSA is not convinced that the chart indicates that tire overloading is likely to occur should customers and tire mounters adhere to the noncompliant tire label. The agency's belief is based on the assumption that the tires will most likely be used on passenger vehicles and that most passenger vehicles are not loaded to their maximum load weight. Usually these vehicles carry an average of two passengers and this would not create an overloaded condition. Also, the average tire owner is not likely to inflate tires on a vehicle to the recommended maximum inflation pressure that appears on the tire. Finally, the number of noncompliant tires is very small, only 247, which reduces the import of the noncompliance.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants Michelin's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 19, 1996.

Patricia Breslin,

Acting Associate Administrator for Safety Performance Standards.

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BILLING CODE 4910–59–P

[Docket No. 96–068; Notice 1]

Michelin North America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin) of Greenville, South Carolina, has determined that some of its tires fail to comply with the labeling requirements of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New Pneumatic Tires,'' and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defect and Noncompliance Reports.'' Michelin has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application 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 application.

In FMVSS No. 109, Paragraph S4.3(a) requires tires to be labeled with one size designation, except that equivalent inch and metric size designations may be used.

Michelin's description of non-compliance follows:

''During the period of the 25th week through the 45th week of 1995, the Ardmore, Oklahoma, plant of Uniroyal Goodrich Tire Manufacturing, a division of Michelin North America, Inc., produced tires with two size designations specified on one sidewall of the tire. Specifically, in the upper sidewall of the tire, in letters 0.44 inches high, the tire was correctly marked as a 205/70R15. The tire was incorrectly marked in the lower sidewall area, in letters 0.25 inches high, as a 205/75R15. This incorrect marking occurred on the side opposite the DOT tire identification number. The correct marking also appears in two places on the side that contains the DOT tire identification number. The markings specified by 49 CFR 571.109 S4.3(a) call for only one size designation. All performance requirements of FMVSS #109 are met or exceeded for these tires.

''Approximately 4,708 205/70R15 BF Goodrich Touring T/A SR4 tires were produced with the aforementioned information on one sidewall of the tire. Of this total, as many as 730 were shipped to the replacement market. The remaining tires have been isolated in [Michelin's] warehouses and will be brought into full compliance with the marking requirements of FMVSS No. 109 or scrapped.''

Michelin supported its application for inconsequential noncompliance with the following:

''1. All tires have a paper label, showing the correct size, applied to the tire tread. Tires are generally 'pulled from the rack' based on the paper label. Thus information on the correct tire size for the application would be available.

''2. The tire size is incorrect, in one of four places, only with respect to the aspect ratio (or series), that is 75. Both the section width designation of 205 and the rim diameter code of 15 are correct. The correct maximum load and inflation pressure for the 205/70R15 is molded on both sides of the tire.

''3. The tire size is correctly stamped on both sides in letters 0.44 inch high. Thus attention should be more readily drawn to the correct tire size than to the incorrect size which is in much smaller letters.

''4. When these tires are mounted on the vehicle, the 'clean' side (i.e. the side without the bar code lines) is mounted out. Thus when mounting these tires on a vehicle, the proper size designation is readily apparent in two places on the sidewall.''

Interested persons are invited to submit written data, views, and arguments on the application of Michelin, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: July 25, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 501.8)