

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."

Michelin's initial argument did not support its application that the labeling noncompliance was inconsequential with respect to motor vehicle safety. The agency's concern regarding the mislabeling was what bearing the aspect ratio would have on the load-carrying capacity of the tire. In this case, the load

carrying capacity of the tire could be miscalculated by as much as 88 pounds (6%) because of the wrong aspect ratio being printed on the tire. Therefore, during the comment period, NHTSA sought further information from the petitioner on what consequences the alleged noncompliance would have on motor vehicle safety.

The petitioner responded with the following additional information:

- Tests conducted on the mislabeled tires at the higher loads specified for a

205/75R15 tire exceeded all FMVSS No. 109 performance requirements.

- In the unlikely event that the tire would be fitted to a vehicle as a replacement for a 205/75R15, the tire would be able to carry the additional load and exceed all FMVSS No. 109 resistance to bead unseating, strength, endurance, and high speed performance requirements.

A summary of the test results follows:

Test	Tire No.#	Result	Requirement	Comment
High Speed Performance .....	1	5.6 hours .....	5.0 hours .....	429 miles.
	2	5.7 hours .....	5.0 hours .....	437 miles.
Tire Endurance .....	1	56 hours .....	34 hours .....	2800 miles.
	2	56 hours .....	34 hours .....	
Tire Strength .....	1	5131 in-lbs .....	2600 in-lbs (min) .....	Result=min of 5 test values per tire.
	2	4862 in-lbs .....	2600 in-lbs (min) .....	
Resistance to Bead Unseating .....	1	2830 lbs .....	2500 lbs (min) .....	Result=min of 5 test values per tire.
	2	2900 lbs .....	2500 lbs (min) .....	

Michelin reported that all of the tires summarized in the above chart were tested in accordance with the procedures defined in 49 CFR § 571.109. Loading of the tires was based upon a maximum tire load of 1609 pounds for the 205/75R15 instead of the 1521 pound maximum load of the 205/70R15.

**Comments**

No comments were received on the application.

**Discussion and Recommendation**

In response to NHTSA's request, Michelin submitted additional test data in support of its inconsequentiality application. We believe these data more adequately support the application for labeling noncompliance since tests conducted on the mislabeled tires at the higher loads specified for a 205/75R15 tire exceeded all FMVSS No. 109 performance requirements.

Therefore, additional information provided by the petitioner, the petitioner's willingness to bring the remaining tires into full compliance (3,978) with the marking requirements of FMVSS No. 109, or scrap the remaining tires, satisfies our concern that motor vehicle safety will not be compromised.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates 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; delegation of authority at 49 CFR 501.8).

Issued on: September 16, 1996.  
 L. Robert Shelton,  
*Acting Associate Administrator for Safety Performance Standards.*  
 [FR Doc. 96-24173 Filed 9-19-96; 8:45 am]  
**BILLING CODE 4910-59-P**

**Research and Special Programs Administration**

[Notice Number 96-17]

**Draft Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of document availability and request for comments.

**SUMMARY:** The final draft of the 1996 edition of the Advisory and Explanatory Material for the International Atomic Energy Agency's (IAEA) Regulations for the Safe Transport of Radioactive Material, Safety Series No. 7, is currently available for review and comment. RSPA will be providing comments on the draft document to the IAEA, and will consider input from the public and industry. This draft document supplements the 1996 edition of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Series No. 6, and includes the explanatory and advisory material which was previously found in two separate documents: Explanatory Material in Safety Series No. 7., and

Advisory Material in Safety Series No. 37.

**DATES:** Comments must be received by October 21, 1996.

**ADDRESSES:** Copies can be obtained from, and comments should be submitted to, the Dockets Unit (DHM-30), Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590-0001; (202) 366-5046; Monday-Friday from 8:00 a.m. to 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Richard W. Boyle, Chief, Radioactive Materials Branch, Office of Hazardous Materials Technology, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001; (202) 366-4545.

**SUPPLEMENTARY INFORMATION:** On September 23, 1996, RSPA's Dockets Unit will return to Room 8421 of the Nassif Building, 400 Seventh St., SW., Washington, DC, 20590-0001, telephone (202) 366-5046. The draft Safety Series No. 7 will be available on and after that date. The public may view this document between the hours of 8:00 a.m. to 4:30 p.m., Monday-Friday.

Issued in Washington, DC on September 17, 1996 under the authority delegated in 49 CFR part 106.

Robert A. McGuire,  
*Deputy Associate Administrator for Hazardous Materials Safety.*  
 [FR Doc. 96-24182 Filed 9-19-96; 8:45 am]  
**BILLING CODE 4910-60-M**