

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 97-028; Notice 1]

Cooper Tire & Rubber Company; Receipt of Application for Decision of Inconsequential Noncompliance

Cooper Tire & Rubber Company (Cooper) has determined that some of its tires fail to comply with the labeling requirements of 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Cooper 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.

Paragraphs S6.5(d)(j) of FMVSS No. 119, "Tire markings," requires that tires be marked on each sidewall with the maximum load rating and corresponding inflation pressure of the tire and the letter designating the tire load range. The markings shall be placed between the maximum section width (exclusive of sidewall decorations or curb ribs) and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area which 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, the markings shall 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.

Cooper's description of the noncompliance follows:

Our [Cooper] Findlay, Ohio, tire manufacturing facility had one mold in production during the forty-seventh and forty-eighth production weeks of 1996 in which, on the serial side, there was an incorrect load and inflation plate for the tire being produced.

The involved tires were the Dean Wildcat Radial LT 235/85R16, tubeless, outline white letters, 10 ply rating, and load range E.

The incorrect plate read "LOAD RANGE D MAX. LOAD SINGLE 1190 kg (2623 LBS) AT 450 kPa (65 P.S.I.) COLD (8 PLY RATING) MAX. LOAD DUAL 1080 kg (2381 LBS) AT 450 kPa (65 P.S.I.) COLD." The correct information should have been "LOAD

RANGE E MAX. LOAD SINGLE 1380 kg (3042 LBS) AT 550 kPa (80 P.S.I.) COLD (10 PLY RATING) MAX. LOAD DUAL 1260 kg (2778 LBS) AT 550 kPa (80 P.S.I.) COLD.

The involved tires have the correct load and inflation information on the non-serial side which is the side with the outline white letters. In addition, each tire had a paper tread label affixed to it reflecting the correct load information as set forth on Attachment A. [Copy available in the National Highway Traffic Safety Administration Docket Section.]

There were a total of five hundred fifty-three (553) tires produced with the incorrect load and inflation information on the non-serial side of the tire during the forty-seventh and forty-eighth production periods. Forty-eight (48) of the involved tires have been accounted for in Cooper's inventory, leaving five hundred five (505) tires not accounted for in Cooper's inventory.

The involved tires produced from this mold during the aforementioned production periods comply with all other requirements of 49 CFR 571.

Cooper supported its application for inconsequential noncompliance with the following:

We [Cooper] submit that the noncompliance with the standard established under 15 U.S.C. is inconsequential as it relates to motor vehicle safety because it is (i) correctly stated on the non-serial side and on the paper tread label and (ii) the incorrect load range and inflation information is within the design parameters of the tire and would not result in any overloading or overinflation of the involved tires.

The forty-eight (48) tires in Cooper's inventory will be re-stamped with the correct load and inflation information.

Interested persons are invited to submit written data, views, and arguments on the application of Cooper, 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: May 22, 1997. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 17, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Notice No. 97-2]

Safety Advisory: Unauthorized Marking and Modification of Compressed Gas Cylinders

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

ACTION: Safety advisory notice.

SUMMARY: This is to notify the public that RSPA is investigating the unauthorized marking and modification of high-pressure compressed gas cylinders. On March 27, 1997, RSPA inspectors entered the premises of Browns Welding Supply. They observed numerous compressed gas cylinders and found a significant number marked with an expired Retester Identification Number (RIN) or unauthorized RIN. Based on those RIN markings and the inspectors' observations, RSPA believes that many of these cylinders may not have been retested in accordance with the Hazardous Materials Regulations (49 CFR Parts 171-180)(HMR).

Furthermore, the inspectors observed many cylinders that exhibited evidence of improper grinding. Unauthorized grinding can have a significant effect on a cylinder's minimum wall thickness, and therefore, its structural integrity. Unauthorized grinding can remove required markings and can be used to mask a cylinder's overall condition. Serious personal injury, death, and property damage could result from the rupture of a cylinder. Cylinders which have not been retested in accordance with the HMR may not be charged or filled with a hazardous material.

FOR FURTHER INFORMATION CONTACT:

Anthony Smialek, Chief, Western Region, telephone (909) 483-5624, Fax—(909) 483-5636, Office of Hazardous Materials Enforcement, Research and Special Programs Administration, Department of Transportation, 3200 Inland Empire Boulevard, Suite 230, Ontario, CA 91764.

SUPPLEMENTARY INFORMATION: On Thursday, March 27, 1997, RSPA inspectors entered the premises of Browns Welding Supply located at 4165 State Street, Pomona, California 91766