

*Responsibility and Reports (Dated July 8, 2009).*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Goodyear 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 Goodyear's petition was published, with a 30-day public comment period, on June 25, 2010, in the **Federal Register** (75 FR 36472). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2010-0080."

For further information on this decision, contact Mr. George Gillespie, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5299, facsimile (202) 366-7002.

Affected are approximately 14,826 sizes P195/55R15 84V and P225/60R16 97H Goodyear brand Arizonian Silver Edition Plus model passenger car tires manufactured between August of 2007 and May of 2009 at Goodyear's plant located in Otrkovice, Czech Republic.

Goodyear explains that the noncompliance is that, due to a mold labeling error, the sidewall marking on the reference side of the tires incorrectly describes the actual number of plies in the tread area of the tires as required by paragraph S5.5(f). Specifically, the tires in question were inadvertently manufactured with "Tread Plies: 2 Polyester + 2 steel." The labeling should have been "Tread Plies: 2 Polyester + 1 polyamide + 2 steel."

Goodyear also explains that while the non-compliant tires are mislabeled "the tires meet or exceed all applicable Federal Motor Vehicle Safety Standards."

Goodyear argues that this noncompliance is inconsequential to motor vehicle safety because the noncompliant sidewall marking does not create an unsafe condition and all other labeling requirements have been met.

Goodyear points out that NHTSA has previously granted similar petitions for noncompliances in sidewall marking.

Goodyear additionally states that it has corrected the affected tire molds and all future production will have the correct material shown on the sidewall.

In summation, Goodyear 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, and should be granted.

*NHTSA Decision:* The agency agrees with Goodyear that the noncompliances are inconsequential to motor vehicle safety. The agency believes that the true measure of inconsequentiality to motor vehicle safety in this case is that there is no effect of the noncompliances on the operational safety of the vehicles on which these tires are mounted. The safety of people working in the tire retread, repair, and recycling industries must also be considered. Although tire construction affects the strength and durability, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread and sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgment, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the ply material in a tire.

The agency also believes the noncompliance will have no measurable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, since the tire sidewalls do not contain steel plies, this potential safety concern does not exist.

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 14,826<sup>2</sup>

<sup>2</sup> Goodyear's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Goodyear as a manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the affected vehicles. However, a decision on this petition cannot relieve distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction

tires that Goodyear no longer controlled at the time that it determined that a noncompliance existed in the subject tires.

In consideration of the foregoing, NHTSA has decided that Goodyear has met its burden of persuasion that the subject FMVSS No. 139 labeling noncompliances are inconsequential to motor vehicle safety. Accordingly, Goodyear'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.

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

Issued on: November 18, 2011.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 2011-30569 Filed 11-25-11; 8:45 am]

**BILLING CODE 4910-59-P**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2010-0152]

#### Technical Report on Fatality Risk, Mass, and Footprint of Model Year 2000-2007 Passenger Cars and LTVs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for comments on technical report.

**SUMMARY:** This notice announces NHTSA's publication of a technical report describing relationships between a vehicle's mass, footprint (size), and body type and its rate of involvement in fatal crashes. The report's title is: *Relationships Between Fatality Risk, Mass, and Footprint in Model Year 2000-2007 Passenger Cars and LTVs—Preliminary Report.*

**DATES:** Comments must be received no later than January 27, 2012.

**ADDRESSES:**

*Report:* The technical report is available on the Internet for viewing on line or downloading in PDF format at the Federal eRulemaking Portal. It is item no. 0023 in Docket No. NHTSA-2010-0152. You may access it by going to <http://www.regulations.gov/>, typing NHTSA-2010-0152-0023 in the box under "Enter Keyword or ID" and

into interstate commerce of the noncompliant vehicles under their control after Goodyear notified them that the subject noncompliance existed.

clicking on “Search,” clicking on “U.S. DOT/NHTSA—Report: Relationships Between Fatality Risk, Mass, and Footprint in Model Years 2000–2007—Preliminary Report,” and then clicking on the small orange box labeled “PDF.” Or you may go directly to <http://www.regulations.gov/#!documentDetail;D=NHTSA-2010-0152-0023> and then click on the small orange box labeled “PDF.” You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Charles J. Kahane (NVS-431), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

**Comments:** You may submit comments [identified by Docket Number NHTSA-2010-0152] by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 1-(202) 493-2251.

- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays. You may call Docket Management at (202) 366-9826.

**Instructions:** For detailed instructions on submitting comments, see the Procedural Matters section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Charles J. Kahane, Chief, Evaluation Division, NVS-431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590.

**Telephone:** (202) 366-2560. **Email:** [chuck.kahane@dot.gov](mailto:chuck.kahane@dot.gov).

**SUPPLEMENTARY INFORMATION:** Mass reduction while holding a vehicle’s footprint (size) constant is a potential strategy for meeting footprint-based CAFE and GHG standards. An important corollary issue is the possible effect of mass reduction that maintains footprint on fatal crashes. One way to estimate these effects is statistical analyses of societal fatality rates per VMT, by vehicles’ mass and footprint, for the current on-road vehicle fleet. Societal fatality rates include occupants of all vehicles in the crash as well as pedestrians. The analyses comprised MY 2000–2007 cars and LTVs in CY 2002–2008 crashes. Fatality rates were derived from FARS data, 13 State crash files, and registration and mileage data from R.L. Polk. The table presents the estimated percent increase in societal fatality rates per 100-pound mass reduction while holding footprint constant for five classes of vehicles:

	Fatality increase (%) per 100-pound mass reduction while holding footprint constant	
	Point estimate	95% Confidence bounds
MY 2000–2007 CY 2002–2008		
Cars < 3,106 pounds .....	1.44	+ .29 to +2.59
Cars ≥ 3,106 pounds .....	.47	– .58 to +1.52
CUVs and minivans .....	– .46	– 1.75 to +.83
Truck-based LTVs < 4,594 pounds .....	.52	– .43 to +1.46
Truck-based LTVs ≥ 4,594 pounds .....	– .39	– 1.06 to +.27

Only the 1.44 percent risk increase in the lighter cars is statistically significant. There are non-significant increases in the heavier cars and the lighter truck-based LTVs and non-significant societal benefits for mass reduction in CUVs, minivans, and the heavier truck-based LTVs. Based on these results, potential combinations of mass reductions that maintain footprint and are proportionately somewhat higher for the heavier vehicles may be safety-neutral or better as point estimates and, in any case, unlikely to significantly increase fatalities. The primarily non-significant results are not due to a paucity of data, but because the societal effect of mass reduction while maintaining footprint, if any, is small.

This preliminary report is currently undergoing peer review. Information about the review is available in Docket No. NHTSA-2010-0152, including the peer-review charge at NHTSA-2010-0152-0024 and the names of the reviewers at NHTSA-2010-0152-0025.

This report updates and supersedes earlier NHTSA reports on vehicle mass,

size and fatality risk issued in 2010 (75 FR 25324, Docket No. NHTSA-2010-0152, report available at [http://www.nhtsa.gov/staticfiles/rulemaking/pdf/cape/CAFE\\_2012-2016\\_FRIA\\_04012010.pdf](http://www.nhtsa.gov/staticfiles/rulemaking/pdf/cape/CAFE_2012-2016_FRIA_04012010.pdf), pp. 464–542); 2003 (68 FR 66153, Docket No. NHTSA-2003-16318, report available at <http://www-nrd.nhtsa.dot.gov/Pubs/809662.PDF>); and 1997 (62 FR 34491, Docket No. NHTSA-1997-3725, report available at <http://www-nrd.nhtsa.dot.gov/Pubs/808570.PDF>).

**Procedural Matters**

*How can I influence NHTSA’s thinking on this subject?*

NHTSA welcomes public review of the evaluation plan and invites the reviewers to comment about the selection, priority, and schedule of the regulations to be evaluated. The agency is interested in learning of any additional data that may be useful in the evaluations. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the evaluation plan.

*How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA-2010-0152) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, 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) or you may visit <http://www.regulations.gov>.

Please send two paper copies of your comments to Docket Management, fax

them, or use the Federal eRulemaking Portal. The mailing address is U.S. Department of Transportation, Docket Management Facility, M-30, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590. The fax number is 1-(202) 493-2251. To use the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

We also request, but do not require you to send a copy to Charles J. Kahane, Chief, Evaluation Division, NVS-431, National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590 (or email them to [chuck.kahane@dot.gov](mailto:chuck.kahane@dot.gov)). He can check if your comments have been received at the Docket and he can expedite their review by NHTSA.

*How can I be sure that my comments were received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

*How do I submit confidential business information?*

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to U.S. Department of Transportation, Docket Management Facility, M-30, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, or submit them via the Federal eRulemaking Portal.

*Will the agency consider late comments?*

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider

comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

*How can I read the comments submitted by other people?*

You may read the materials placed in the docket for this document (e.g., the comments submitted in response to this document by other interested persons) at any time by going to <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. You may also read the materials at the Docket Management Facility by going to the street address given above under **ADDRESSES**. The Docket Management Facility is open between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

**Authority:** 49 U.S.C. 30111, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

**James F. Simons,**

*Director, Office of Regulatory Analysis and Evaluation.*

[FR Doc. 2011-30561 Filed 11-25-11; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2011-0168]

#### Technical Report Evaluating the 1999-2003 Head Impact Upgrade of FMVSS No. 201, Upper-Interior Components

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for comments on technical report.

**SUMMARY:** This notice announces NHTSA's publication of a Technical Report reviewing and evaluating its existing Safety Standard 201, *Occupant Protection in Interior Impact*. The report's title is: *Evaluation of the 1999-2003 Head Impact Upgrade of FMVSS No. 201—Upper-Interior Components: Effectiveness of Energy-Absorbing Materials Without Head-Protection Air Bags*.

**DATES:** Comments must be received no later than March 27, 2012.

**ADDRESSES:**

**Report:** The technical report is available on the Internet for viewing in PDF format at <http://www-nrd.nhtsa.dot.gov/Pubs/811538.PDF>. You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Charles J. Kahane (NVS-431), National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590.

**Comments:** You may submit comments [identified by Docket Number NHTSA-2011-0168] by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- **Fax:** 1-(202) 493-2251.

- **Mail:** Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

You may call Docket Management at (202) 366-9826.

**Instructions:** For detailed instructions on submitting comments, see the Procedural Matters section of this document. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Charles J. Kahane, Chief, Evaluation Division, NVS-431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53-312, 1200 New Jersey Avenue SE., Washington, DC 20590. **Telephone:** (202) 366-2560. **Email:** [chuck.kahane@dot.gov](mailto:chuck.kahane@dot.gov).

**For information about NHTSA's evaluations of the effectiveness of existing regulations and programs:** You may see a list of published evaluation reports at <http://www-nrd.nhtsa.dot.gov/cats/listpublications.aspx?Id=226&ShowBy=Category> and if you click on any report you will be able to view it in PDF format.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard (FMVSS) No. 201—Occupant Protection in Interior Impact—was upgraded in 1995, with a 1998-2003 phase-in, to reduce occupants' risk of head injury from contact with a vehicle's upper interior, including its pillars, roof headers and side rails, and the upper roof. Initially, energy-absorbing materials alone were used to meet the standard. NHTSA