

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2011–0082; Notice 2]

**Volkswagen Group of America, Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Grant of Petition.

**SUMMARY:** Volkswagen Group of America, Inc. (Volkswagen), has determined that certain model year (MY) 2011 Volkswagen Jetta passenger cars equipped with a TDI engine and Goodyear Eagle Vector 205/55 R16 94V XL tires, do not fully comply with the tire and loading information labels to specify the tire is rated to support 1,235 pounds, exceeding the "worst case" loading scenario by 172.4 pounds. The subject vehicles have a maximum GVWR of 4299 pounds. The 205/55R16 tire inflated at 33 psi has a capacity rating that exceeds this GVWR value by 88.5 pounds.

**NHTSA Decision:** In consideration of the foregoing, NHTSA has determined that Volkswagen has met its burden of persuasion that the FMVSS No. 110 noncompliance for the vehicles identified in Volkswagen’s Noncompliance Information Report is inconsequential to motor vehicle safety. Accordingly, Volkswagen’s petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the 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 463 vehicles that Volkswagen no longer controlled at the time it determined that a noncompliance existed.

**Authority:** 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8

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

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