noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-
day public comment period, on February 15, 2012 in the Federal
Register (77 FR 8944). No comments were received. To view the petition and all supporting documents log onto the
www.regulations.gov/. Then follow the online search instructions to locate
docket number “NHTSA--2011–0074”.

Contact Information: For further
information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety
Compliance, the National Highway
Traffic Safety Administration (NHTSA),
telephone (202) 366–0645, facsimile
(202) 366–5307.

Vehicles Involved: Affected are
approximately 729 MY 2011 Chrysler
Town & Country and Dodge Grand
Caravan MPVs manufactured between
March 16, 2011 and March 22, 2011 and
equipped with Yokohama size 225/65–
R16 passenger car tires.

Summary of Chrysler’s Analyses:
Chrysler explains that the
noncompliance is that the vehicle
placards on the affected vehicles
incorrectly identify the tire size as
required by paragraph §4.3(d) of FMVSS
No. 110.

Chrysler additionally explains that
during the production of the subject
vehicles there was a temporary shortage of Kumho size 235/60R16 passenger car
tires. As a result, Yokohama size 225/65–
R16 tires and vehicle placard were
substituted. On March 16, 2011, when the Kumho tires were scheduled to be
reintroduced, the vehicle placard was
updated to reflect the tire change and
placed on the subject vehicles.

However, 729 vehicles that received the
updated vehicle placard were fitted with the Yokohama tires instead of the
Kumho tires.

Chrysler stated its belief that the
subject noncompliance is
inconsequential to motor vehicle safety for the following reasons:

1. The tire inflation pressure
requirement for both tires is the same
and that the recommended gross vehicle
weight rating (GVWR) of the vehicles is
not affected by the tire change. Chrysler
also notes that the tire circumference for
both tires is essentially the same and
that the functions of the vehicle
speedometer and odometer, the tire
pressure monitoring system (TPMS), the
antilock brake system (ABS) and the
electronic stability program (ESP) are
not affected by the 21 mm difference in
circumference. In addition, Chrysler
stated that the subject Kumho and
Yokohama tires provide equivalent
performance when mounted on the
subject vehicles.

2. While the non-compliant vehicle
placards incorrectly state the tire size,
they meet or exceed all other applicable
Federal Motor Vehicle Safety Standards.

3. The noncompliance is
inconsequential to motor vehicle safety
because the noncompliant vehicle
placards do not create an unsafe
condition and all other labeling
requirements have been met. Chrysler
also added that it believes that
NHTSA has previously granted
similar petitions.

In summation, Chrysler believes that
the described noncompliance of the
subject vehicles 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
remediating the recall noncompliance as
required by 49 U.S.C. 30120 should be
granted.

NHTSA Decision: The intent of
FMVSS No. 110 is to ensure that
vehicles are equipped with tires
appropriate to handle maximum vehicle
loads and prevent overloading. NHTSA
confirmed that: The installed and
labeled tires, including the spare, when
inflated to the labeled recommended
cold inflation pressure are appropriate to
handle the vehicle maximum loads;
the tire and loading information labels
on subject vehicles are correct, except
for the subject noncompliance; the
vehicles are equipped with tires that
have the complete tire size (225/65R16)
molded into their sidewalls.

Consequently, the subject
noncompliance should not cause any
unsafe conditions associated with
determination of the correct tire
inflation pressures or replacement tire
selection for the subject vehicles.

Therefore, NHTSA agrees with
Chrysler that in this specific case the
incorrect tire size printed on the tire and
loading information labels on the
affixed vehicles does not have any adverse
safety implications.

NHTSA is also not aware of any
customer complaints or field reports
relating to this issue and Chrysler stated
that it has corrected the problem that
caused these errors so that they will not
be repeated in future production.

In consideration of the foregoing,
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 approximately
729 vehicles that Chrysler no longer
controlled at the time that it determined
that a noncompliance existed in the
subject vehicles. However, the granting
of this petition does not relieve vehicle
distributors and dealers of the
prohibitions on the sale, offer for sale,
or introduction or delivery for
introduction into interstate commerce of
the noncompliant vehicles under their
control after Chrysler notified them that
the subject noncompliance existed.

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

Issued on: June 20, 2013.

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

[FR Doc. 2013–15278 Filed 6–25–13; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

[Docket No. NHTSA–2012–0041; Notice 2]

Hyundai Motor Company, Grant of
Petition for Decision of
Inconsequential Noncompliance

AGENCY: National Highway Traffic
Safety Administration, DOT.

ACTION: Grant of Petition.

SUMMARY: Hyundai America Technical
Center, Inc., on behalf of Hyundai Motor
Company (collectively referred to as
“Hyundai”) 1 has determined that
certain model year (MY) 2011 and 2012
Hyundai Sonata Hybrid passenger cars,
do not fully comply with paragraph
§4.1.5.5.2 of Federal Motor Vehicle
Safety Standard (FMVSS) No. 208,
Occupant Crash Protection. Hyundai
has filed an appropriate report dated
March 8, 2012, pursuant to 49 CFR Part

1 Hyundai America Technical Center, Inc. is a
corporation registered under the laws of the state of
Michigan.
Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Hyundai 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 the petition was published, with a 30-day public comment period, on April 13, 2012 in the Federal Register (77 FR 22386). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: http://www.regulations.gov/. Then follow the online search instructions to locate docket number “NHTSA—2012–0041.”

Contact Information: For further information on this decision contact Mr. Lawrence Valvo, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5359, facsimile (202) 366–3081.

Vehicles Involved: Affected are approximately 14,728 MY 2011 and 2012 Hyundai Sonata Hybrid vehicles produced beginning on December 2, 2010 and shipped to dealers through March 7, 2012 that are equipped with a center rear seat belt incorporating a release mechanism that detaches both the lap and shoulder portion at the lower anchorage point in a vehicle with a non-folding rear seat back.

Background Requirement: Section 4.1.5.5 of FMVSS No. 208 specially states:

§ 4.1.5.5 Passenger cars manufactured on or after September 1, 2007.

§ 4.1.5.5.1 Except as provided in § 4.1.5.5.2, each passenger car shall have a Type 2 seat belt assembly that conforms to Standard No. 209 and to § 7.1 and § 7.2 of this standard at each rear designated seating position, except that side-facing designated seating positions shall have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to § 7.1 and § 7.2 of this standard.

§ 4.1.5.5.2 Any inboard designated seating position on a seat for which the entire seat back can be folded (including the head restraints and any other part of the vehicle attached to the seat back) such that no part of the seat back extends above a horizontal plane located 250 mm above the highest SRP located on the seat may meet the requirements of § 4.1.5.5.1 by use of a belt incorporating a release mechanism that detaches both the lap and shoulder portion at either the upper or lower anchorage point, but not both. The means of detachment shall be a key or key-like object.

Summary of Hyundai’s Analyses: Hyundai explains that the noncompliance is that the affected vehicles do not comply with § 4.1.5.5.2 because they are equipped with a non-folding rear seat back and a center rear seat belt incorporating a release mechanism that detaches both the lap and shoulder portion at the lower anchorage point to allow improved assembly line procedures.

Hyundai believes that the installation of a center rear seat belt incorporating a release mechanism that detaches both the lap and shoulder portion at the lower anchorage point in a vehicle with a non-folding rear seat back is inconsequential as it relates to motor vehicle safety. The seat belt assembly complies with FMVSS No. 208 requirements and with FMVSS No. 209 requirements, with the sole exception that it may be detached from the lower anchorage by use of a tool, such as a key or key-like object. If the rear seat back of the Sonata Hybrid vehicle was simply capable of being folded, which would have no effect upon seat belt performance, this detachable aspect would not result in a compliance issue.

Hyundai also stated its belief that it is clear from the intended difficulty in detaching both the lap and the instructions contained in the vehicle owner’s manual that the seat belt should not be detached. Further, in the Sonata Hybrid with a fixed rear seat back, there is no advantage or reason for the owner to detach the center rear seat belt from the lower anchorage.

Based on these arguments, Hyundai Motor Company does not believe that it is appropriate to conduct a recall campaign to replace the center rear seat belts in vehicles that have been delivered to customers.

Hyundai has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 208.

In summation, Hyundai believes that the described noncompliance of the subject vehicles 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 should be granted.

NHTSA Decision: NHTSA has reviewed and accepts Hyundai’s analyses that the noncompliance is inconsequential to motor vehicle safety. Hyundai has provided sufficient documentation that the center rear seat belt does comply with all other safety performance requirements of FMVSS No. 208 and has met its burden of persuasion. Accordingly, Hyundai’s petition is hereby granted, and Hyundai is exempted from the obligation of providing notification of, and a remedy for, that 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 14,728 vehicles that Hyundai no longer controlled at the time it determined that a noncompliance existed. However, the granting of this petition does not relieve distributors and dealers of the prohibitions on the sale, for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Hyundai notified them that the subject noncompliance existed.


Issued On: June 20, 2013.

Claude H. Harris, Director, Office of Vehicle Safety Compliance. [FR Doc. 2013–15281 Filed 6–25–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0045; Notice 2]

Hyundai-Kia America Technical Center, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of Petition.

SUMMARY: Hyundai America Technical Center, Inc. on behalf of Hyundai Motor Company (collectively referred to as “Hyundai”) 1 has determined that certain model year (MY) 2012 Hyundai Veracruz multipurpose passenger vehicles (MPV) manufactured August 9, 2011, through January 8, 2012, that were equipped with 7J x 18 wheel rims, do not fully comply with paragraph § 4.3.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, Tire Selection and Rims and Motor Home/...