DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
[Docket No. NHTSA–2012–0108; Notice 2]

Bridgestone Americas Tire Operations, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition.


Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Bridgestone 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 December 3, 2012 in the Federal Register (77 FR 71679). 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–2012–0108.”

CONTACT INFORMATION: For further information on this decision contact Mr. Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–7002.

Equipment Involved: Affected are approximately 1,102 Firestone Firehawk Wide Oval AS size 245/40R19 and 245/35R20 brand tires manufactured between June 19, 2011, and March 17, 2012. Only 97 of the affected tires are no longer under the control of the petitioner. Therefore, only those 97 tires are the subject of this petition.

Bridgestone Americas Tire Operations, LLC is a manufacturer of replacement equipment and is registered under the laws of the state of Delaware.

Rule Text: Section S5.5 of FMVSS No. 139 specifically states:

S5.5 Tire markings. Except as specified in paragraphs (a) through (i) of S5.5, each tire must be marked on each sidewall with the information specified in S5.5(a) through (d) and on one sidewall with the information specified in S5.5(e) through (i) according to the phase-in schedule specified in S7 of this standard. The markings must be placed between the maximum section width of the tire and the bead on at least one sidewall, unless the maximum section width of the tire is located in an area that is not more than one-fourth of the distance from the bead to the shoulder of the tire. If the maximum section width that falls within that area, those markings must 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. The markings must be in letters and numerals not less than 0.078 inches high and raised above or sunk below the tire surface not less than 0.015 inches.

(f) The actual number of plies in the sidewall, and the actual number of plies in the tread area, if different . . .

Summary of Bridgestone’s Analyses: Bridgestone 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 and therefore does not comply with paragraph § 5.5(f) of FMVSS No. 139. Specifically, the tires in question were inadvertently manufactured with “TREAD 1 POLYESTER 2 STEEL 1 NYLON.” The labeling should have been “TREAD 1 POLYESTER 2 STEEL 2 NYLON.”

Bridgestone stated its belief that the subject noncompliance is inconsequential to motor vehicle safety because the subject tires meet or exceed all performance requirements as required in part by FMVSS No. 139 and that the noncompliant labeling has no impact on the operational performance or safety of vehicles on which these tires are mounted.

Bridgestone points out that NHTSA has previously granted similar petitions for non-compliances in sidewalk markings.

Bridgestone has also informed NHTSA that it has corrected future production and will re-label the 1,005 contained tires to reflect correct construction.

In summation, Bridgestone believes that the described noncompliance of the subject tires 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 remediying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.