

generic material marking does not influence the purchase nor the fitment of tires to vehicles, the above described noncompliance is viewed by MNA to have no impact on the performance of the tire, nor the associated motor vehicle safety.

(B) The subject tires contain the necessary tire material labeling information on at least one sidewall. The number of reinforcing plies in the tread, and in the sidewall, are correct. It is the descriptor for the generic material which is not consistent with the actual content of the tire—"Polyamide" in place of "Polyester." Since this marking is only on one sidewall and there is no other marking to compare it to, consumers will not be confused by the content of the marking, nor do they make purchasing decisions based upon this mark. Only a specialist, familiar with the differences between "Polyamide" and "Polyester", with access to the internal content of the tire, would recognize this discrepancy.

(C) This marking discrepancy has no impact on a consumer's, dealer's, or distributor's ability, nor our ability, to identify product in the event of a market action. During market actions, the tire dimension, brand name, load capacity, and TIN are used to identify tires which are to be removed from the market. The tire's generic material content marking would therefore not have an impact on a consumer's or dealer's ability to implement a market action.

(D) MNA stated its belief that NHTSA has granted previous petitions for inconsequential noncompliance involving noncompliant ply-cord generic material content labeling. For example, the term "Polyester" was substituted for "Nylon" in a tread ply labeling noncompliance for which a petition was filed by Goodyear Tire and Rubber Company (Goodyear). In that case, NHTSA agreed with Goodyear that the non-compliance was inconsequential to motor vehicle safety. See 77 FR 2775.

MNA has additionally informed NHTSA that it has corrected the noncompliance so that all future production motorcycle tires will comply with FMVSS No. 119.

In summation, MNA believes that the described noncompliance of the subject motorcycle tires is inconsequential to motor vehicle safety, and that its petition, to exempt MNA 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 Analysis:** The agency agrees with MNA that the noncompliance is 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 vehicles on which these tires are mounted. 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 in this instance 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.

**NHTSA Decision:** In consideration of the foregoing, NHTSA has decided that MNA has met its burden of persuasion that the FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, MNA's petition is hereby granted and MNA 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 subject noncompliant tires that MNA no longer controlled at the time it determined that the noncompliance existed. 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 tires under their control after MNA notified them that the subject noncompliance existed.

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

**Jeffrey M. Giuseppe,**

*Acting Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0083; Notice 2]

### China Manufacturers Alliance, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** China Manufacturers Alliance, LLC (CMA) and Double Coin Holdings, Ltd (DCHL) have determined that certain Double Coin and Dynatrac brand truck & bus radial replacement tires that were imported by CMA and manufactured by DCHL do not fully comply with paragraph S6.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 Pounds) and Motorcycles*. CMA and DCHL filed an appropriate report dated June 17, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

**ADDRESSES:** For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5310, facsimile (202) 366-5930.

### SUPPLEMENTARY INFORMATION:

**I. CMA and DCHL's Petition:** Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, CMA and DCHL submitted a petition 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 CMA and DCHL's petition was published, with a 30-Day public comment period, on September 15, 2014 in the **Federal Register** (79 FR 55068). 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–2014–0083.”

#### *II. Replacement Tires Involved:*

Affected are approximately 1,753,089 Double Coin and Dynatrac brand truck & bus radial (TBR) replacement tires that were imported by CMA and manufactured by DCHL tires from June 2011 to June 2014 (DOT date codes 2711 to 2614). Refer to CMA and DCHL’s 49 CFR part 573 report for descriptions of the tire sizes and other specifics.

*III. Noncompliance:* CMA and DCHL describe the noncompliance as the inadvertent omission of the letter marking that designates the tire Load Range from the tire sidewall.

*IV. Rule Text:* Paragraph S6.5 of FMVSS No. 119 requires in pertinent part:

S6.5 Tire markings. Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. 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. The markings shall be in letters and numerals not less than 2 mm (0.078 inch) high and raised above or sunk below the tire surface not less than 0.4 mm (0.015 inch), except that the marking depth shall be not less than 0.25 mm (0.010 inch) in the case of motorcycle tires. The tire identification and the DOT symbol labeling shall comply with part 574 of this chapter. Markings may appear on only one sidewall and the entire sidewall area may be used in the case of motorcycle tires and recreational, boat, baggage, and special trailer tires. . . .

(j) The letter designating the tire load range.

#### *V. Summary of CMA and DCHL’s*

*Analyses:* CMA and DCHL stated their belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. CMA has certified that the subject tires are fully compliant to all requirements of FMVSS No. 119 except for the aforementioned omission issue. The tires are manufactured to the specifications and are able to carry the specified weight designed for these tires and as mandated by FMVSS No. 119.

2. CMA stated that NHTSA tested two samples from the tires in question for endurance and found them to comply with the required standards of FMVSS No. 119, and that in addition to the S6.5 required markings, CMA also includes

redundant safety markings on some of the most critical criterion of a TBR tire. With FMVSS No. 119 requiring items S6.5 (a–j) as mandatory, CMA also lists data that assists dealers/consumers in recognizing the tire’s abilities and performance. Included on the sidewall of these tires, but not mandatory requirements by FMVSS No. 119, are Load Index for both single and dual placement of the tire, Ply Rating and Speed Rating.

3. CMA believes that Load Index is a redundant data point for Load Range. Both measure the important max load/max pressure data required on the tire sidewall. In addition, the Tire and Rim Association (TRA) data book lists a conversion chart as to Load Range and Ply Rating correlation. Thus, the information that the Load Range letter is meant to convey is already included on the tire in two other ways, *i.e.* Load Index and Ply Rating.

4. CMA has certified that the subject tires have been properly manufactured to the requirements of FMVSS No. 119 including all static and dynamic requirements and design requirements for max load requirements as well as additional information for consumers to review that correlate to load range so the noncompliance is one of format of the markings.

5. CMA believes that there is little to no risk of overloading by an end-user because of the inclusion of the Load Index and Ply Ratings. Even in the absence of the Load Range, an end-user would have to ignore the max load/max pressure data on the tire and the ply rating in order to create a risk as to motor vehicle safety.

6. CMA also believes that because the tires in question meet the performance standards of FMVSS No. 119, and the information conveyed by the Load Range is imparted to end-users by both the required Load Index and the optional Ply Rating, the absence of the Load Range on these tires is inconsequential as to motor vehicle safety.

CMA and DCHL has additionally informed NHTSA that it has corrected the noncompliance so that all future production replacement tires will comply with FMVSS No. 119.

In summation, CMA and DCHL believe that the described noncompliance of the subject replacement tires is inconsequential to motor vehicle safety, and that its petition, to exempt CMA and DCHL’s 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 Analysis:* The purpose for the Load Range labeling letter required by paragraph S6.5(j) of FMVSS No. 119 is to provide information to assist the tire purchaser about the load carrying capabilities of the tire. In the case of the subject tires, CMA and DCHL stated that the information the Load Range letter is meant to convey is also labeled on the subject tires in two other ways: (1) The Load Index, which is a numerical code correlating to the maximum load carrying capacity of the tire and (2) the Ply Rating (an additional means vehicle manufacturers use to properly select tires for a particular application (abbreviated on the tires as “PR”).

NHTSA agrees that the noncompliance is inconsequential to motor vehicle safety in this case because the information intended to be conveyed by the missing Load Range letter is communicated by other means on the tires, specifically:

1. The Ply Rating stamped on the sidewall of the subject tires correctly correlates to the Load Range designation/Ply Rating Equivalency table listed by The Tire and Rim Association Inc. (TRA) 2013 book. Furthermore, the Load Range listed in the table is also correctly associated to the Tire Size of the subject tires.

2. The service index or Load Index stamped on the sidewall of the subject tires, which provides another means for a customer to properly select a tire for a particular application, also correctly correlates to the Load Index listed by The Tire and Rim Association Inc. (TRA) 2013 book for the subject tires.

3. The maximum load and maximum pressure stamped on the sidewall of the subject tires correctly correlates to the maximum loads and pressures listed by The Tire and Rim Association Inc. (TRA) 2013 book.

Finally, the tires are designed to meet all other applicable requirements of FMVSS No. 119.

*NHTSA Decision:* In consideration of the foregoing, NHTSA has decided that CMA and DCHL have met their burden of persuasion that the FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, CMA and DCHL’s petition is hereby granted and CMA and DCHL are 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, any decision on this petition only applies to the subject tires that CMA and DCHL no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve CMA and DCHL distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after CMA and DCHL notified them that the subject noncompliance existed.

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

**Jeffrey M. Giuseppe,**  
*Acting Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0147; Notice 2]

#### American Honda Motor Co., Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of petition.

**SUMMARY:** American Honda Motor Co., Inc. (Honda) has determined that the tire pressure monitoring system (TPMS) low tire pressure warning for certain model year (MY) 2011 and 2012 Acura TSX passenger cars equipped with accessory 18-inch diameter wheels sold at Honda dealerships do not comply with paragraph S4.2(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 138 *Tire Pressure Monitoring Systems*. Honda has filed an appropriate report dated September 27, 2012, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

**ADDRESSES:** For further information on this decision contact Maurice Hicks, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1708, facsimile (202) 366-5930.

#### SUPPLEMENTARY INFORMATION:

**I. Honda's Petition:** Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Honda submitted a petition 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 Honda's petition was published, with a 30-day public comment period, on July 22, 2013, in the **Federal Register** (78 FR 43965.) 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-2012-0147."

**II. Vehicles Involved:** Affected are approximately 212 model years 2011 and 2012 Acura TSX passenger cars equipped with accessory 18-inch diameter wheels sold at Honda dealerships.

**III. Noncompliance:** Honda explains that the noncompliance is that when the accessory wheels and tires are installed on the subject vehicles, the preset TPMS warning level cannot be adjusted to warn at a higher cold inflation pressure for the accessory tires. The TPMS system on these vehicles is set for the OEM 17-inch diameter tires with recommended 230 kPa (33 psi), not the accessory 18-inch tires with recommended 260 kPa (38 psi).

Honda set the TPMS warning level for the OEM tires at 183 kPa (26.5 psi), which is approximately 20 percent below the recommended inflation pressure. Standard 138 requires a warning when the pressure is equal to or less than 25 percent below the recommended inflation pressure. For the accessory tires, 25 percent below 260 kPa (38 psi) is 195 kPa (28.3 psi), but the telltale does not illuminate until the tire pressure reaches 183 kPa (26.5 psi). Therefore, the vehicles do not comply with paragraph S4.2(a) of FMVSS No. 138.

**IV. Rule Text:** Paragraph S4.2(a) of FMVSS No. 138 requires in pertinent part:

S4.2 *TPMS detection requirements.* The tire pressure monitoring system must:

(a) Illuminate a low tire pressure warning telltale not more than 20 minutes after the inflation pressure in one or more of the vehicle's tires, up to a total of four tires, is equal to or less than either the pressure 25 percent below the vehicle manufacturer's recommended cold inflation pressure, or the pressure specified in the 3rd column of Table 1 of this standard for the corresponding type of tire, whichever is higher;

**V. Summary of Honda's Analyses:** A total of approximately 848 wheels, or 212 complete wheel sets, were sold to Acura dealerships by Honda between November 2010 and April 2012. These wheels were sold with a replacement tire pressure placard, in accordance with the requirements of FMVSS No. 110 "Tire Selection and Rims", indicating an inflation pressure of 260 kPa (38 psi) for the recommended 225/45ZR 18 tire size with an 95Y load capacity rating. There have been no reports of crashes, injuries or death as a result of the accessory tire being used with the standard TPMS threshold.

After the beginning of retail sales of 2012 model year Acura TSX models Honda discovered that the recommended electronic method of updating the TPMS setting for these accessory wheels would incorrectly inform technicians that the adjustments had been completed successfully. The result is that the TPMS warning threshold remains at Honda's setting for the OEM 17-inch diameter wheels of not less than 183kPa (26.5psi) for the standard recommended tire pressure of 230kPa (33psi). The minimum allowable TPMS threshold for the 18-inch diameter accessory wheels would be 195kPa (28 psi) (28.3psi using conversion factor 1psi = 6.895kPa), based on the recommended pressure of 260kPa (38psi) as indicated on the tire pressure placard.

Honda believes that this noncompliance is inconsequential to motor vehicle safety because even at the lower TPMS threshold, adequate load capacity remains for the tires on these vehicles. Honda indicated that it also conducted dynamic testing to confirm that the handling and stability of the vehicle is not adversely affected at the lower pressures.

The maximum load capacity for each of the P225/45ZR 18 95Y tires for this vehicle is 575 kilograms (1,268lbs) at 230kPa (33psi), calculated using the Japan Automotive Tyre Manufacturer's Association (JATMA) method, as recognized by NHTSA in FMVSS No. 110. The maximum allowable load according to the Gross Axle Weight Ratings (GAWR) for a 2011 or 2012 Acura TSX is 546.6 kilograms (1,207.2 lbs) for each front tire and 514.9 kilograms (1,135 lbs) for each rear tire, well within the load capacity specified by JATMA.

At 80% of the lower pressure for the OEM 17-inch tires (230kPa (33psi), as opposed to the 260kPa (38psi) recommended on the tire pressure placard for the 18-inch accessory tires), the low tire pressure indicator will illuminate at 183kPa (26.5psi).