

notices of final disposition announcing its decision to exempt these 12 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all of these drivers, are not currently achieving the statutory level of safety should immediately notify FMCSA.

The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: January 22, 2008

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0009; Notice 1]

#### **Bridgestone Firestone North American Tire, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance**

Bridgestone Firestone North American Tire, LLC (BFNT) has determined that certain tires that it manufactured in September and October of 2007, did not fully comply with paragraph S5.5.1(a) of 49 CFR 571.139, Federal Motor Vehicle Safety Standard (FMVSS) No. 139 *New Pneumatic Radial Tires for Light Vehicles*. For the passenger car and light truck tires it regulates, FMVSS No. 139 requires mandatory compliance for new tires manufactured on or after September 1, 2007. BFNT has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49

CFR part 556), BFNT 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.

This notice of receipt of BFNT's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 3,963 Bridgestone brand P235160R17, DUELER H/T 684 II tires, produced in the Aiken Plant during the DOT weeks of 38, 39, 40, 41, and 42 in 2007. Paragraph S5.5.1(a) of 49 CFR 571.139 requires that for regulated radial passenger car and light truck tires manufactured on or after September 1, 2007, but before September 1, 2009, they be permanently labeled with the tire identification number required by 49 CFR part 574 on a sidewall of the tire. Except for retreaded tires, either the tire identification number or a partial tire identification number containing all characters in the tire identification number, except for the dated code and, at the discretion of the manufacturer, any optional code, must be labeled on the other sidewall of the tire.

BFNT explains that 3,963 P235160R17 size Bridgestone Dueler AIT 684 11 tires, produced at its Aiken plant (DOT serial code is 7XOUBD43807 through 7XOUBD44207) were mismarked as explained below. 1,862 of these tires are currently under BFNT's control and 2,101 remain in the replacement market in the U.S.

BFNT describes the mismarking by stating that the affected tires are marked with a complete Tire Identification Number (TIN) on one sidewall and no TIN or partial TIN on the opposite sidewall. Therefore, the noncompliance is a sidewall mismarking as follows:

Actual stamping is BLANK. (on one sidewall).

Correct stamping should be: 7XOUBD4 (on that sidewall).

BFNT states that it believes that the noncompliance described herein is inconsequential as it relates to Motor Vehicle Safety. The subject tires were not marked with the partial TIN on one sidewall as required. BFNT believes that this noncompliance is unlikely to have an adverse impact on motor vehicle safety since the actual performance of the subject tires will not be affected by the mismarking.

BFNT makes the argument that the noncompliant tires meet or exceed all performance requirements of FMVSS No. 139, and will have no impact on the operational performance or safety of

vehicles on which these tires are mounted.

BFNT further states that the Tire Identification Number (TIN) becomes important in the event of a safety campaign so that the consumer may properly identify the recalled tire(s). The subject tires are marked in the same manner that was the requirement for many years until the FMVSS 139 markings which required additional TIN information on the opposite sidewall became effective. For this mislabeling, any safety campaign communication, if necessary, could include in the listing of recalled TINs, direction to the consumer to read both sidewalls of each tire on the vehicle for the TINs or partial TINs so that the consumer would know that these mislabeled tires are included in any future recall.

In view of the information and facts presented, BFNT submits that the mismarking of the subject tires should be deemed inconsequential as it relates to Motor Vehicle Safety and requests that it be granted an exemption from the notification and remedy requirements of the Safety Act.

NHTSA notes that due to 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, these provisions apply to only the 2,101 tires that have already passed from the manufacturer to an owner, purchaser, or dealer. Subsequent to receipt of the subject petition, BFNT informed NHTSA that they have remedied the mismarking on the 1,862 tires still under their control bringing those tires into compliance with FMVSS No. 139.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. *By hand delivery to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open

on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. *Electronically*: by logging onto the Federal Docket Management System (FDMS) Web site at <http://www.regulations.gov/>. Follow the online instructions for submitting comments. Comments may also be faxed to 1-202-493-2251.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. Please note that we are allowing just 10 days for comment in order to expedite resolution of this matter. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date*: February 8, 2008.

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

Issued on: January 23, 2008.

**Claude H. Harris**

*Director, Office of Vehicle, Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0012; Notice 1]

#### Chrysler, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

Chrysler, LLC (Chrysler) has determined that certain vehicles that it manufactured during the period of October 1, 2003 through August 28, 2007, do not fully comply with either paragraph S4.3.3 of 49 CFR 571.110 (Federal Motor Vehicle Safety Standards (FMVSS) No. 110 *Tire Selection and Rims for Motor Vehicles With a GVWR of 4,536 Kilograms (10,000 Pounds) or Less*) or paragraph S5.3 of 49 CFR 571.120 (*FMVSS No. 120 Tire Selection and Rims for Vehicles Other Than Passenger Cars*)—depending on when the vehicle was manufactured. Chrysler has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49

CFR part 556), Chrysler 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.

This notice of receipt of Chrysler's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 154,000 model year 2005-2008 Dodge Magnum multipurpose passenger vehicles (MPV), and approximately 103,000 model year 2007-2008 Jeep Compass and Jeep Patriot MPVs. Paragraphs S4.3.3 of 49 CFR 571.110 and S5.3 of 49 CFR 571.120 require that:

#### 4.3.3 of 49 CFR 571.110

Additional labeling information for vehicles other than passenger cars. Each vehicle shall show the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire appropriate for use on that vehicle, including the tire installed as original equipment on the vehicle by the vehicle manufacturer, after each GAWR listed on the certification label required by Sec. 567.4 or Sec. 567.5 of this chapter. This information shall be in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the following format:

#### *Truck Example—Suitable Tire-Rim Choice*

GVWR: 2,441 kilograms (5381 pounds).  
GAWR: Front—1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16 x 8.0 rims at 248 kPa (36 psi) cold single.

GAWR: Rear—1,299 kilograms (2,864 pounds) with P265/70R16 tires, 16 x 8.0 rims, at 248 kPa (36 psi) cold single.

#### S5.3 *Label information of 49 CFR 571.120*

Each vehicle shall show the information specified in S5.3.1 and S5.3.2 and, in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this section. This information shall appear either—

(a) After each GAWR listed on the certification label required by Sec. 567.4 or Sec. 567.5 of this chapter; or, at the option of the manufacturer,

(b) On the tire information label affixed to the vehicle in the manner, location and form described in Sec. 567.4 (b) through (f) of this chapter, as appropriate for each GVWR-GAWR combination listed on the certification label.

S5.3.1 *Tires*. The size designation (not necessarily for the tires on the vehicle) and the recommended cold inflation pressure for those tires such that the sum of the load ratings of the tires on each axle (when the tires' load carrying capacity at the specified pressure is reduced by dividing by 1.10, in the case of a tire subject to FMVSS No. 109)

is appropriate for the GAWR as calculated in accordance with S5.1.2.

S5.3.2 *Rims*. The size designation and, if applicable, the type designation of Rims (not necessarily those on the vehicle) appropriate for those tires.

#### TRUCK EXAMPLE—SUITABLE TIRE-RIM CHOICE

GVWR: 7,840 KG (17,289 LB)  
GAWR: FRONT—2,850 KG (6,280 LB) WITH 7.50-20(D) TIRES, 20x6.00 RIMS AT 520 KPA (75 PSI) COLD SINGLE

GAWR: REAR—4,990 KG (11,000 LB) WITH 7.50-20(D) TIRES, 20x6.00 RIMS, AT 450 KPA (65 PSI) COLD DUAL

GVWR: 13,280 KG (29,279 LB)

GAWR: FRONT—4,826 KG (10,640 LB) WITH 10.00-20(F) TIRES, 20x7.50 RIMS, AT 620 KPA (90 PSI) COLD SINGLE

GAWR: REAR—8,454 KG (18,639 LB) WITH 10.00-20(F) TIRES, 20x2.70 RIMS, AT 550 KPA (80 PSI) COLD DUAL

S5.3.3 The non-pneumatic tire identification code, with which that assembly is labeled pursuant to S4.3(a) of Sec. 571.129.

Chrysler explains that S4.3.3 of FMVSS No. 110, which applies only to vehicles other than passenger cars with a GVWR of 10,000 pounds or less, and which went into effect on September 1, 2005, provides as follows: "Each vehicle shall show the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire appropriate for use on that vehicle, including the tire installed as original equipment on the vehicle by the vehicle manufacturer, after each GAWR [Gross Axle Weight Rating] listed on the certification label required by § 567.4 or § 567.5 of this chapter \* \* \* Prior to September 1, 2005, similar requirements set out in S5.3 of FMVSS No. 120 applied to all non-passenger cars, regardless of their GVWR. 94,718 Dodge Magnums manufactured prior to September 1, 2005 failed to meet the requirements of FMVSS No. 120 and the remainder of the subject vehicles failed to meet the requirements of FMVSS No. 110.

Chrysler explains further that although the certification labels on the vehicles in question do not contain the appropriate tire and rim information after the specified GAWRs, the rim size and type are marked on the rims themselves. And, the size designation for the tires on each vehicle, which also reflects the size of the rims on the vehicle, is included on the tire placard affixed to the B-pillar on each vehicle, as required by S4.3(d) of FMVSS No. 110 for vehicles manufactured after September 1, 2005. Additionally, Magnums manufactured prior to September 1, 2005 had a Tire and Loading Information Label containing the relevant tire and rim size affixed to the B-pillar. Thus, the relevant rim