

294019



August 16, 2004

Dr. Jeffrey Runge
Administrator
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, DC 20590

NHTSA-2004-18973-1

Re: Petition for a Finding of Inconsequential Noncompliance

Dear Dr. Runge:

Pursuant to 49 U.S.C. § 30118(d) and 49 U.S.C. § 20120(h) and in compliance with the requirements of 49 C.F.R. Part 556, Michelin North America, Inc., ("MNA") a New York Corporation, hereby requests exemption from the notification and remedy requirements for the Motor Vehicle Safety Act, 49 U.S.C., Chapter 301, with respect to a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) 119 (New Pneumatic Tires for Vehicles Other Than Passenger Cars) § 571.119.

This petition concerns a noncompliance in a number of tires within the Michelin XPS light truck tire family, in four sizes and tread designs, whose sidewall markings do not provide both Metric and English load and pressure values. Additionally, in the case of one of the subject tire sizes, load and inflation markings are not consistent with a published standard. All of the subject tires are sold in the replacement market only. Pursuant to 49 C.F.R., Part 573, MNA has submitted a Noncompliance Information Report, dated July 20, 2004, in order to make NHTSA aware of this matter. MNA now submits this petition, because these noncompliances are inconsequential as they relate to motor vehicle safety.

Background

As reported in MNA's Part 573 noncompliance report, a total of approximately 68,950 tires, in four sizes manufactured since May of 2003, are marked with load and pressure values in English units only. The regulations require that Metric load and inflation values be followed in parentheses by the English values.

A further noncompliance in one of the four sizes, totaling 28,518 tires, is that the load and inflation markings do not conform to a published standard. The four subject XPS tires are listed below, along with an illustration of the noncompliance:

Michelin North America, Inc.

Industry Standards & Government Regulations
515 Michelin Road
Post Office Box 1987
Greenville, SC 29602-1987

LT215/85R16 XPS Rib LRE
LT225/75R16 XPS Rib LRE
LT215/85R16 XPS Traction LRE
8.75R16.5 XPS Rib LRE

The three 16" rim diameter tires are incorrectly marked:

MAX. LOAD SINGLE	2680 LBS AT 80 PSI COLD
MAX LOAD DUAL	2470 LBS AT 80 PSI COLD

The three 16" rim diameter tires should be marked:

MAX. LOAD SINGLE	1215 Kg AT 550 kPa (2680 LBS AT 80 PSI) COLD
MAX LOAD DUAL	1120 Kg AT 550 kPa (2470 LBS AT 80 PSI) COLD

The 16.5" rim diameter tire is incorrectly marked:

MAX. LOAD SINGLE	2680 LBS AT 75 PSI COLD
MAX LOAD DUAL	2550 LBS AT 75 PSI COLD

The 16.5" rim diameter tire should be marked:

MAX. LOAD SINGLE	1215 Kg AT 550 kPa (2680 LBS AT 80 PSI) COLD
MAX LOAD DUAL	1090 Kg AT 550 kPa (2405 LBS AT 80 PSI) COLD

Analysis

Each of the above tires meets or exceeds all of the performance requirements of FMVSS 119. The noncompliance has no affect on the performance of the subject tires on a motor vehicle nor, MNA believes, on motor vehicle safety itself.

MNA believes that these labeling issues are clearly inconsequential with respect to motor vehicle safety for all of the following reasons:

- (1) For each of the tires, all of the performance requirements of FMVSS 119 are met or exceeded
- (2) The tires are manufactured for sale in the US replacement market, where the English system is universally comprehended
- (3) Maximum load expressed in "lb." and air pressure expressed in "psi" will not confuse US vehicle owners and will not result in unsafe use of the tires in terms of load or inflation values
- (4) In the specific case of the 8.75R16.5 XPS Rib, the load marking for single applications use is marked correctly. When both single and dual loads are marked on the

tire (as is the case here), FMVSS 119 requires that performance compliance testing be done based on the single (higher, more punishing) tire load. Accordingly, the incorrect dual load marking is inconsequential for this tire.

(5) Even at the lower, more punishing pressure of 75 psi, the tire meets all FMVSS 119 minimum performance requirements.

Conclusion

MNA believes the noncompliance described in this petition and in its Part 573 Defect and Noncompliance Information Report will have an inconsequential impact on motor vehicle safety and respectfully requests that the Agency grant MNA's petition for exemption from the notification and remedy requirements of 40 U.S.C. § 30118, and the remedy provisions of 49 U.S.C. § 30120.

If you or your staff should have any questions regarding this petition, please contact me at 864-422-4220.

Sincerely,



Michael I. Wischhusen
Director, Industry Standards
and Government Regulations



20 July, 2004

Kenneth N. Weinstein
Associate Administrator for Safety Assurance
National Highway Traffic Safety Administration
400 Seventh Street, SW (NSA-01)
Washington, D.C. 20590

Part 573 Tire Labeling Noncompliance Report

Dear Mr. Weinstein;

Pursuant to the requirements of 49 C.F.R. Part 573, we are submitting the following "Defect and Noncompliance Information Report" to advise you of a noncompliance with Federal Motor Vehicle Safety Standard 119 (New Pneumatic Tires for Vehicles Other Than Passenger Cars).

Specifically, Michelin North America, Inc., (MNA) submits this report relating to noncompliances involving four sizes of Michelin XPS Rib and XPS Traction tires, which do not meet the labeling requirements of FMVSS 119 S6.5 (and, in one instance, S5.1). This report is filed in advance of a petition for a determination of inconsequential noncompliance, pursuant to 49 C.F.R. Part 556.

Pursuant to 49 C.F.R. Part 573 MNA reports the following:

573.6(c)(1) Name of Manufacturer:

Michelin Reifenwerke Karlsruhe
Michelinstrasse
76185 Karlsruhe, Germany

Michelin North America, Inc.

Industry Standards & Government Regulations
515 Michelin Road
Post Office Box 1987
Greenville, SC 29602 1987

573.6(c)(2)(iii) Items Containing the Noncompliance(s):

The following Michelin XPS sizes, manufactured during the period 1 May 2003, through the week beginning 12 July, 2004.

LT215/85R16 XPS Rib LRE
LT225/75R16 XPS Rib LRE
LT215/85R16 XPS Traction LRE
8.75R16.5 XPS Rib LRE

The following Michelin XPS size, manufactured from approximately mid-1993, through the week beginning 12 July, 2004.

8.75R16.5 XPS Rib LRE

573.6(c)(3) Total Number of Tires Containing the Noncompliance:

A total of approximately 68,950 of the subject tires containing the Metric/English noncompliance described below have been sold to dealers in the US as follows:

LT215/85R16 XPS Rib – 24,644
LT225/75R16 XPS Rib – 35,934
LT215/85R16 XPS Traction – 5,348
8.75R16.5 XPS Rib – 3,024

A total of 28,518 of the 8.75R16.5 XPS Rib tires containing the non-published load and inflation noncompliance described below have been sold to dealers in the US.

It is likely that some or all of these have been sold to consumers.

573.6(c)(4) Percentage of Tires Estimated to Actually Contain the Noncompliance:

We believe that 100% of the approximately 68,950 tires (above) contain the Metric/English Max Load and Inflation noncompliance that is described below. We believe that 100% of the approximately 28,518 8.75R16.5 XPS Rib tires (above) contain the non-standard load and inflation marking.

573.6(c)(5) Description of the Noncompliance:

Each of the four subject XPS tires is marked with Max Load and Inflation for Single and Dual with English values only. The tires should have been marked with Metric values, followed by the English values in parentheses, per FMVSS 119 S6.5(d).

The three 16" rim diameter tires are incorrectly marked as follows:

MAX. LOAD SINGLE	2680 LBS AT 80 PSI COLD
MAX LOAD DUAL	2470 LBS AT 80 PSI COLD

The three 16" rim diameter tires should be marked as follows:

MAX. LOAD SINGLE	1215 Kg AT 550 kPa (2680 LBS AT 80 PSI) COLD
MAX LOAD DUAL	1120 Kg AT 550 kPa (2470 LBS AT 80 PSI) COLD

Additionally, the 8.75R16.5 XPS Rib is marked with load and inflation values not meeting a published standard.

The tire is incorrectly marked as follows:

MAX. LOAD SINGLE	2680 LBS AT 75 PSI COLD
MAX LOAD DUAL	2550 LBS AT 75 PSI COLD

The tire should be marked as:

MAX. LOAD SINGLE	1215 Kg AT 550 kPa (2680 LBS AT 80 PSI) COLD
MAX LOAD DUAL	1090 Kg AT 550 kPa (2405 LBS AT 80 PSI) COLD

573.6(c)(7) Basis for Determination of Noncompliance:

During a review to update the markings to include the partial DOT / TIN on the side opposite the intended outboard side, marking errors in this family of tires were discovered.

573.6(c)(8) Remedy program:

Production has ceased, pending mold engraving to correct the markings. Investigation as to the root cause of these errors having occurred is underway. Required corrective measures will be implemented.

573.6(c)(8)(iii) Intent to File Petition for Exemption From Recall Requirements:

MNA intends to file a petition for exemption from the notification and remedy requirements of the Motor Vehicle Safety Act on the grounds that the non compliances in this family of tires are of no consequence as it relates to motor vehicle safety. The petition will show that:

1. All of the performance requirements of FMVSS 119 are met or exceeded;
2. The tires are manufactured for the US market, where the English system is universally comprehended.
3. Max load expressed in "lb" and air pressure expressed in "psi" will in no way be confusing to vehicle owners and will not result in unsafe use of the tires in terms of their proper load or inflation.
4. In the case of the 8.75R16.5 XPS Rib, the 75 psi inflation pressure will accommodate the described single and dual loads with no risk to safe operation. The tire will carry loads equal to or greater than the published TRA standard, at 5 psi less air pressure.

Please feel free to call me at 864-422-4220 if there are any questions.

Sincerely,



Michael I. Wischhusen
Director, Industry Standards
and Government Regulations
Michelin North America, Inc.