

subject vehicles does not re-illuminate immediately as required when the ignition locking system is re-activated. Instead, the affected vehicles must reach a speed between 20 mph and 25 mph for a maximum period of at least 90 seconds before the TPMS malfunction telltale re-illuminates.

Rule Text: Paragraph S4.4(c)(2) of FMVSS No. 138 requires in pertinent part:

S4.4 TPMS Malfunction.

(c) *Combination low tire pressure/TPMS malfunction telltale.* The vehicle meets the requirements of S4.4(a) when equipped with a combined Low Tire Pressure/TPMS malfunction telltale that:

(2) Flashes for a period of at least 60 seconds but no longer than 90 seconds upon detection of any condition specified in S4.4(a) after the ignition locking system is activated to the "On" ("Run") position. After each period of prescribed flashing, the telltale must remain continuously illuminated as long as a malfunction exists and the ignition locking system is in the "On" ("Run") position. This flashing and illumination sequence must be repeated each time the ignition locking system is placed in the "On" ("Run") position until the situation causing the malfunction has been corrected. . . .

V. Summary of Tesla's Analyses:

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

(A) Tesla states that they provide warnings and alerts in several ways above and beyond the minimal requirements of the regulations. Specifically, the TPMS on the subject vehicles automatically checks the wheel sensors fitted on the vehicle. The TPMS then checks the tire pressure from each sensor and that the check system for tire pressure occurs prior to the vehicle moving. The TPMS detects one or more new sensors (meaning different from those calibrated by the TPMS during the vehicles last ignition cycle), the TPMS will automatically "learn" the new sensors. After calibration, the TPMS will again review all four tires for any low pressure situation.

If a low pressure situation occurs in one or more of the four tires on the vehicle, the system will continuously illuminate the combined low pressure/ malfunction indicator lamp (MIL), thus providing the driver a timely warning of low tire pressure. In addition, the subject vehicles are also equipped with an auxiliary screen that provides additional warnings and information regarding a low pressure condition. When one or more of the four tires have a detected low tire pressure condition, the auxiliary screen in the lower portion of the center console area will

automatically display an alert screen alerting the driver to a low tire pressure condition. In addition, the auxiliary screen will also display a diagram of the vehicle and note the tire at issue in a conspicuous manner. The system's auxiliary screen will also show the condition of all remaining tires. Information regarding the status of the tire pressures is available to the driver through a menu on this auxiliary screen at any time, even if the tires are properly inflated. This type of detailed information and multiple alerts ensures the drivers are well informed of a potential low tire pressure condition.

(B) Tesla also states that the TPMS only fails to operate properly when a faulty, missing or non-approved sensor is detected and the ignition is cycled. Specifically, if such a fault is detected, but the ignition is then cycled off, then on, the MIL will reset, thus requiring the system to re-detect the fault or missing or unapproved sensor versus immediately re-illuminating the MIL from the previously detected fault. The noncompliance is confined to this one particular aspect of TPMS function. All other functions remain in compliance with the requirements of FMVSS No. 138.

(C) Tesla further stated that although the MIL fails to re-illuminate immediately after a subsequent ignition off/on cycle, the TPMS remains functional. As a result, the system will still accurately detect the continued presence of a fault in a sensor and illuminate the MIL anew. Specifically, after ignition off/on, the TPMS will detect anew the faulty, missing or non-approved sensor and the MIL will flash for 60–90 seconds before staying on. This will occur no more than 90 seconds after the vehicle reaches a speed of between 20mph and 25 mph. Once illuminated, the MIL will remain on throughout the course of the ignition cycle, regardless of further operating speeds or other conditions. Moreover, the additional warnings via the "fault" display in the dashboard, and the auxiliary display warnings will appear anew. Clearing the new warning in the auxiliary screen will once again require the driver to actively clear the screen. Tesla believes this is especially effective in notifying vehicle operators in that the reanimation of the center auxiliary screen warning and subsequent action required to clear the screen ensures review of the warning by the driver.

(D) Tesla says they have not received any complaints, noted any issues, or had any incidents or other issues relating to the failure of the TPMS module noncompliance.

In summation, Tesla believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Tesla 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 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 vehicles that Tesla no longer controlled at the time it determined that the noncompliance existed. However, any decision on 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 Tesla 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 Giuseppe,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0120; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 2008 Cadillac Escalade Multipurpose Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that nonconforming 2008 Cadillac Escalade multipurpose passenger vehicles (MPV) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are

substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2008 Cadillac Escalade) and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is July 24, 2015.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

How to Read Comments Submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document

notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories ("WETL"), Inc. of Houston, Texas (Registered Importer R-90-005) has petitioned NHTSA to decide whether nonconforming 2008 Cadillac Escalade MPV are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 2008 Cadillac Escalade MPV that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified 2008 Cadillac Escalade MPV to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 2008 Cadillac Escalade MPV, as originally

manufactured, conform to many FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that non-U.S. certified 2008 Cadillac Escalade MPV are identical to their U.S.-certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*, 103 *Windshield Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 110 *Tire Selection and Rims*, 113 *Hood Latch System*, 114 *Theft Protection*, 116 *Motor Vehicle Brake Fluids*, 118 *Power-Operated Window, Partition, and Roof panel System*, 124 *Accelerator Control Systems*, 135 *Light Vehicle Brake Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Mounting*, 214 *Side Impact Protection*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 225 *Child Restraint Anchorage Systems*, and 302 *Flammability of Interior Materials*.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: Modification of the brake warning telltale through replacement of the tachometer with the U.S.-model component, which includes a compliant brake telltale, or by adding a brake telltale which complies with the requirements of the standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: Replacement of the headlamps and tail lamps with U.S.-model components.

Standard No. 111 *Rearview Mirrors*: Inscription of the required warning statement on the face of the passenger mirror.

Standard No. 138 *Tire Pressure Monitoring Systems*: Addition of U.S.-model tire pressure monitoring system components including, tire pressure sensors, transmitter, antenna, receiver, and software. In addition, verification that system functionality meets the requirements of the standard will be performed by testing each of the subject vehicles after installation of the U.S.-model components.

Standard No. 208 *Occupant Crash Protection*: A U.S.-version of the owner's manual must be provided with

the vehicle to meet the information requirements of the standard.

Standard No. 301 Fuel System

Integrity: Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister to comply with the requirements of this standard.

The petitioner additionally states that a vehicle identification plate must be affixed to the vehicle near the left windshield post to meet the requirements of 49 CFR part 565.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2015-0028; Notice 1]

Tireco, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of Petition.

SUMMARY: Tireco, Inc. (Tireco) has determined that certain Milestar brand replacement medium truck tires do not fully comply with paragraph S6.5(j), and in some cases also paragraph S6.5(d), of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New Pneumatic Tires for Vehicles with a GVWR of More Than 4,536 Kilograms (10,000 Pounds) and Motorcycles*. Tireco has filed an appropriate report dated February 5, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

DATES: The closing date for comments on the petition is July 24, 2015.

ADDRESSES: 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 submitted by any of the following methods:

- **Mail:** Send comments 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.
- **Hand Deliver:** Deliver comments by hand 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.
- **Electronically:** Submit comments 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 (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <http://www.regulations.gov/>, including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <http://www.regulations.gov/> by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477-78).

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. 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.

SUPPLEMENTARY INFORMATION:

I. Tireco's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Tireco 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. In a letter dated May 7, 2015, Tireco also submitted a supplement to its petition.

This notice of receipt of Tireco'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.

II. Replacement Tires Involved:

Affected are approximately 31,316 Milestar brand medium truck replacement tires that were imported by Tireco and manufactured by Shandong Wanda Boto Tyre Co, LTD in China between June 3, 2013 and January 25, 2015. Refer to Tireco's 49 CFR part 573 report for detailed descriptions of the affected tires.

III. Noncompliance: Tireco states that the subject tires do not comply with paragraph S6.5(j) of FMVSS No. 119 because they are marked the letter "J" instead of the letter "L" to designate the tire's load range, or are not marked with any load range letter. In addition, some of the affected tires also do not fully comply with paragraph S6.5(d) of FMVSS No. 119 because, while the proper maximum load ratings and pressures are specified correctly on the sidewalls for both single and dual applications, both ratings are identified as "DUAL." The first rating should have been identified as "SINGLE."

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 0.25mm (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. . . .