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Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- **Web site:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** (202) 493-2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- **Hand Delivery:** 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 5, 2012 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and 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 (Volume 65, Number 70; Pages 19477-78), or online at <http://www.dot.gov/privacy.html>.

Issued in Washington, DC, on January 12, 2012.

**Ron Hynes,**

*Acting Deputy Associate Administrator for Regulatory and Legislative Operations.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2011-0033; Notice 2]

#### Goodyear Tire and Rubber Company, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Notice of Petition Grant.

**SUMMARY:** Goodyear Tire and Rubber Company, (Goodyear),<sup>1</sup> has determined that approximately 26,224 Goodyear Assurance ComforTred Touring passenger replacement car tires manufactured between January 4, 2010 and September 11, 2010, did not fully comply with paragraph S5.5(e) of Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles*. Goodyear has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (dated December 16, 2010).

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Goodyear 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 Goodyear's petition was published with a 30-day public comment period, on March 18, 2011, in the **Federal Register** (76 FR 15045). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2011-0033."

**Contact Information:** For further information on this decision contact Mr. George Gillespie, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5299, facsimile (202) 366-7002.

**Summary of Goodyear's Petition:** Affected are approximately 26,224 Goodyear Assurance ComforTred Touring passenger car replacement tires, size 215/70R15 that were manufactured between January 4, 2010 and September 11, 2010.

Goodyear explains that the noncompliance is that, due to a mold

labeling error, the sidewall marking on the tires incorrectly describes the generic name of the cord material in the tread area of the tires as required by paragraph S5.5(e). Specifically, the tires in question were inadvertently manufactured with "Tread: 1 Polyester Cord + 2 Steel Cords + 1 Polyester Cord. The labeling should have been "Tread: 1 Polyester Cord + 2 Steel Cords + 1 Nylon Cord."

Goodyear argues that this noncompliance is inconsequential to motor vehicle safety because while the non-compliant tires are mislabeled they meet or exceed all applicable Federal Motor Vehicle Safety Standards, the noncompliant sidewall marking does not create an unsafe condition, and all other labeling requirements have been met.

Goodyear points out that NHTSA has previously granted similar petitions for non-compliances in sidewall marking.

Goodyear additionally states that it has corrected the affected tire molds and all future production will have the correct material shown on the sidewall.

In summation, Goodyear believes that the described noncompliance of its tires to meet the requirements of FMVSS No. 139 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 remedying the recall noncompliance as required by 49 U.S.C. 30120, and should be granted.

**NHTSA Decision:** The agency agrees with Goodyear that the noncompliances are 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 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.

<sup>1</sup> Goodyear Tire and Rubber Company (Goodyear) is a replacement equipment manufacturer incorporated in the state of Ohio.

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, these provisions only apply to the 26,224<sup>2</sup> tires that have already passed from the manufacturer to an owner, purchaser, or dealer.

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

Issued on: January 12, 2012.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0002; Notice 1]

#### Dorel Juvenile Group, Receipt of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Receipt of Petition.

**SUMMARY:** Dorel Juvenile Group, Inc.<sup>1</sup> (DJG) has determined that certain child restraint systems manufactured between July 20, 2010 and May 18, 2011 do not fully comply with paragraph S5.5 *Labeling of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, Child Restraint Systems*. DJG has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* (dated June 23, 2011).

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), DJG 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 DJG'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 89,527 of the following models of DJG child restraint systems that were manufactured between July 20, 2010 and May 18, 2011:

22187ANL Alpha Omega Elite  
22187REM Alpha Omega Elite  
22187REMA Alpha Omega Elite  
22187SAR Alpha Omega Elite  
22187SARA Alpha Omega Elite  
22465 FSM Alpha Omega Elite  
22790CGT Deluxe 3 in 1  
CC033BMT Alpha Omega Elite  
CC043ANK Alpha Omega Elite  
CC043ANL Alpha Omega Elite  
CC043AQS Alpha Omega Elite  
CC046AAI Deluxe 3 in 1  
CC046AAU Deluxe 3 in 1  
CC046CTA Deluxe 3 in 1  
CC046SNW Deluxe 3 in 1  
CC046WPR Deluxe 3 in 1  
CC050AJH Complete Air LX  
CC050ANY Complete Air LX  
CC050ANZ Complete Air LX  
CC050AOQ Complete Air LX  
CC051AIR Complete Air SE

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, these provisions only apply to the 89,527<sup>2</sup> child restraint systems that DJG no longer controlled at the time it determined that the noncompliance existed.

DJG described the noncompliance as follows:

The child restraints at issue utilize a permanently attached base which are

equipped with color coordinated Ease of Use labels including base labels depicting the rear-facing mode instructions. The issue is that certain restraints were equipped with base labels positioned on the incorrect side of the base. Even if the base labels are positioned on the incorrect side of the base, nearly all the information is correct, except the small indicator arrows do not line up with the rear-facing vehicle and LATCH belt path for the rear-facing mode. As noted in the Noncompliance Information Report, this voluntarily supplied information caused the installation diagram required by FMVSS 213 S5.5.2(l) to be inaccurate.

The noncompliance exists when the base labels are installed incorrectly and the indicator arrows do not point to the rear-facing vehicle belt/LATCH routing path. The arrows are actually pointing to the area below the forward-facing vehicle belt/LATCH path routing but could be construed as pointing to the forward-facing routing path.

DJG stated its belief that the likelihood a consumer would interpret the arrows as indicating the proper rear-facing path routing through the forward-facing path routing is extremely low. The proper rear-facing vehicle belt/LATCH routing path is shown very clearly in the five diagrams on the two base labels.

DJG argued that instructions included with the subject child restraint systems also correctly depict the rear-facing vehicle belt/LATCH routing path numerous times.

DJG noted that only one user complaint related to this issue had been received.

DJG also included the results of a survey conducted to illustrate any effects the noncompliance may have on seat installation.

In conclusion, DJG stated its belief that the technical noncompliance issue reported in the June 23, 2011 Noncompliance Information Report does not constitute a true safety related issue because there is no evidence that improper installation is actually taking place in the field (as evidenced by the lack of significant complaints from consumers, advocates, health care specialists or anyone else). DJG also stated that the preponderance of correct rear-facing installation diagrams and instructions appears to outweigh the potential for improper installation as a result of the ambiguous arrows on the rear-facing installation labels on the base. DJG also indicated that there appears to be a very low probability that improper installation is even possible in the vast majority of vehicles surveyed, which represent a good cross section of vehicles in the field.

#### Comments

Interested persons are invited to submit written data, views, and

<sup>2</sup> Goodyear's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Goodyear as a replacement equipment manufacturer from the notification and recall responsibilities of 49 CFR part 573 for 26,224 of the affected tires. However, a decision on this petition cannot relieve Goodyear distributors 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 Goodyear recognized that the subject noncompliance existed.

<sup>1</sup> Dorel Juvenile Group, Inc., a division of Dorel Industries, Inc., is an Indiana company that manufactures and imports motor vehicle equipment.

<sup>2</sup> DJG's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt DJG as an equipment manufacturer from the notification and recall responsibilities of 49 CFR part 573 for 89,527 of the affected child restraint systems. However, a decision on this petition cannot relieve child restraint system distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant child restraint systems under their control after DJG notified them that the subject noncompliance existed.