

dual-application positions on Axles 3 and 4 as stated by BATO.

2. BATO stated that two tires were sent to a customer using the affected tires in a single-load application on a heavy-duty snowplow and that the proper maximum loading information for single-load is marked on the sidewall of the tire.

3. BATO stated that about 10% of the subject tires were sold to customers that use these tires on private or unpaved roads. These customers are using the tires on logging trailers at forestry sites and on equipment trailers at oil exploration sites. In both cases, these off-road trailers are operated almost exclusively on unpaved, private roads, and are not considered to be "motor vehicles" as defined by the Motor Vehicle Safety Act. See 49 U.S.C. 30102(a)(6) which defines a "motor vehicle" as one that is "manufactured primarily for use on public streets, roads and highways".

BATO added that the subject tires are performing extremely well in the field. The subject tires have been in the market for up to 17 months (manufactured dates range from April 5, 2015, to March 30, 2016), and there is no indication of problems related to potential overload. BATO included that there have been no claims, lawsuits, adjustments, accidents, collisions or losses of control related to the subject tires.

4. BATO states that NHTSA has previously granted petitions in which the "dual" maximum load information was marked incorrectly on the subject tires. BATO specifically cited Michelin 69 FR 62512; October 26, 2004, and Michelin 71 FR 77092; December 22, 2006.

BATO concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

#### NHTSA's Decision

*NHTSA's Analysis:* NHTSA agrees that the noncompliance is inconsequential to motor vehicle safety. However, NHTSA has some reservations about BATO's petition. NHTSA's analysis of BATO's points are described below:

BATO asserted that NHTSA has previously granted inconsequential noncompliance petitions that are similar to the subject noncompliance. NHTSA responds that those petitions are not similar because they are cases involving

specific conditions in which both the "Single" and "Dual" loads were marked on the sidewall of the tire and the "Dual" loads were within the safety factor range associated for similar tires of its size. (See Michelin 71 FR 77092; Dec. 22, 2006, and Michelin 69 FR 62512; October 26, 2004.)

BATO states that the subject tires meet or exceed all of the performance requirements of FMVSS No. 119 which were tested and passed at the single tire load, which is higher and more punishing than that of the dual tire load. NHTSA does not find this to be a compelling argument. NHTSA does not agree that complying to the standard when tested in the manufacturer's single load specification negates the necessity for the tire to be properly marked with the correct dual load rating which, intentionally, is lower than the single load rating. The dual load rating is necessary to ensure a factor of safety during on road use conditions involving a dual-load configuration.

What NHTSA finds relevant to a decision of inconsequential noncompliance is that the use of the subject tires is restricted to three specific cases: vehicles using the tires only in a single-load configuration; Vehicles the agency has determined to be off-road vehicles; and military vehicles. The analysis of each of these scenarios follows:

First, BATO indicated that two of the subject tires were sold for use on a heavy-duty snowplow. The heavy-duty snowplow that uses these tires uses them exclusively in a single load application. The subject tires are marked properly on the sidewall for single load application and thus an end-user would be able to load the vehicle properly. Therefore, NHTSA agrees that in this specific case, the noncompliance is inconsequential to safety.

Second, approximately 10% of the subject tires are used exclusively for off-road forestry logging and oil site exploration. In a letter dated July 25, 2011, NHTSA's Office of Chief Counsel communicated to the Michigan Association of Timbermen the following: "NHTSA has issued several interpretations of this language. We have stated that vehicles equipped with tracks, agricultural equipment, and other vehicles incapable of highway travel are not motor vehicles. We have also determined that certain vehicles designed and sold solely for off-road use (e.g., airport runway vehicles and underground mining vehicles) are not motor vehicles, even if they may be operationally capable of highway travel." In light of this, NHTSA agrees that in the case of the subject tires, the

noncompliance is inconsequential as it relates to motor vehicle safety because the tires are not used on public roads.

Finally, approximately 90% of the subject tires were sold to the U.S. Army for use on M911 HET military vehicles. In this application, the M911 HET technical manual specifies the tire inflation pressure to be 85 psi and limits the tire loading to 8,125 lbs per tire due to the vehicle's axle design. BATO claims that the subject tires were designed and certified to meet a dual-load limit of 9,410 lbs at 85 psi, a fact corroborated by the TRA year book, and that each tire would have 1,285 lbs of reserve load (nearly 14%). For these reasons, NHTSA believes that the subject tires have sufficient capacity for the expected loads during usage on the M911 HET military vehicles. Based on the restrictions within the military manual, the culture of the military to comply with such documentation, and the high level of maintenance that military vehicles receive, NHTSA further believes that these tires will not be used in an overloaded configuration. Therefore, the noncompliance is inconsequential to vehicle safety in this instance.

*NHTSA's Decision:* In consideration of the foregoing, NHTSA finds that BATO has met its burden of persuasion that in these specific vehicle applications, the FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, BATO's petition is hereby granted and BATO is exempted from the obligation of providing notification of, and remedy for, the noncompliance.

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

**Jeffrey M. Giuseppe,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA- 2016-0130; Notice 1]

#### Notice of Receipt of Petition for Decision That Nonconforming Model Year 2014 EMU Camper Trailer 4x4 Extreme Adventure Trailers Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (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 model year (MY) 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers 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 have safety features that comply with, or are capable of being altered to comply with, all such standards.

**DATES:** The closing date for comments on the petition is May 8, 2017.

**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 in the title of this notice and be 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 Delivery:** 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 <https://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 comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will

be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477-78).

**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)(B), a motor vehicle, including a trailer, that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

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**.

G&K Automotive Conversion Inc. (G&K), of Santa Ana, California (Registered Importer R-90-007) has petitioned NHTSA to decide whether nonconforming MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers are eligible for importation into the United States. G&K believes these vehicles are capable of being modified to meet all applicable FMVSS.

G&K submitted information with its petition intended to demonstrate that MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers are capable of being altered to comply with all applicable standards to which they were not originally manufactured to conform.

Specifically, the petitioner contends that the nonconforming MY 2014 EMU Camper Trailer 4x4 Extreme Adventure trailers meet or are capable of being altered to meet the following standards, in the manner indicated:

**Standard No. 108 Lamps, Reflective Devices and Associated Equipment:** Installation of the following U.S.-certified components as necessary to meet the requirements of the standard: front and rear side marker lamps, stop lamps, taillamps, turn signal lamps, front clearance lamps, and side and rear mounted reflex reflectors.

**Standard No. 119 New pneumatic tires for motor vehicles with a GVWR of more than 10,000 pounds:** Replacement of any nonconforming tires with tires that conform to the standard.

**Standard No. 120 Tire Selection and Rims and motor home/recreation vehicle trailer:** Installation of the required tire information placard.

G&K further states that labels will be affixed to conform to requirements of 49 CFR part 567 Certification.

This notice of receipt of G&K petition does not represent any agency decision or other exercise of judgment concerning the merits of the petition. 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 M. Giuseppe,**  
Director, Office of Vehicle Safety Compliance.  
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#### **DEPARTMENT OF TRANSPORTATION**

##### **National Highway Traffic Safety Administration**

[Docket No. NHTSA-2017-0011; Notice 1]

##### **Daimler Trucks North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance**

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

**ACTION:** Receipt of petition.

**SUMMARY:** Daimler Trucks North America, LLC (DTNA), has determined