

exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance*.

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

II. *Tires Involved*: Approximately 160 Michelin X Multi D+, size 11R22.5, replacement tires, manufactured between May 26, 2019, and June 29, 2019, are potentially involved.

III. *Noncompliance*: MNA explains that the noncompliance was due to a mold error in which the subject tires are missing the letter designating the tire load range as required by paragraph S6.5(j) of FMVSS No. 119. Specifically, the sidewalls of the subject tires omit the designated load range letter "H."

IV. *Rule Requirements*: Paragraph S6.5(j) of FMVSS No. 119 includes the requirements relevant to this petition. The subject tires are required to be marked on each sidewall with the tire load range letter.

V. *Summary of MNA's Petition*: The following views and arguments presented in this section, "V. Summary of MNA's Petition," are the views and arguments provided by MNA. They have not been evaluated by the Agency and do not reflect the views of the Agency. MNA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

MNA explains that the noncompliance was found when a Michelin Field Engineer was notified that some of the subject tires "had a different tread pattern than the customer was accustomed to." MNA explains that the subject tires were intended for the Asia and India tire markets, yet were certified to the applicable U.S. FMVSS, and properly labeled with the certification symbol "DOT." MNA states that the tires "entered the U.S. through channels outside of Michelin's control." MNA says that the subject tires have not been sold through MNA's sales or distribution channels. MNA also states that it has taken corrective measures to prevent the shipping or sale of the tires by blocking the SKUs in its internal databases.

MNA claims that the subject tires were manufactured as a load index 148 single/145 dual tire with a maximum single load rating of 3150 kilograms or

6940 pounds at 830 kPa or 120 psi cold inflation pressure and a maximum dual load rating of 2900 kilograms or 6395 pounds at 830 kPa or 120 psi cold inflation pressure. In regard to operational safety, MNA asserts that it tested the subject tires and found that they comply with the necessary performance requirements required by FMVSS No. 119. Except for the subject noncompliance, MNA also claims that the subject tires meet all marking requirements and "are also marked with load indices for single and dual applications," which MNA contends will "provide both dealers and consumers with the necessary information to enable proper selection and application of the tires."

MNA states that it has blocked the SKU for the subject tires in its systems to prevent shipment to the U.S. and sale through MNA. MNA also states that the molds will be updated to include the required load range letter designation and until then, the SKU will remain blocked in its systems.

MNA says that NHTSA has previously granted petitions which it believes are similar to the subject petition. MNA refers to the granting of the petition submitted by China Manufacturers Alliance, LLC, for 1,753,089 truck & bus radial replacement tires that were missing the letter marking that designates the tire load range on the tire sidewall.

MNA concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and 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 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 tires that MNA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve tire distributors and dealers 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 MNA 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)

Otto G. Matheke III,
Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for New Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before August 11, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Donald Burger, Chief, Office of Hazardous Materials Safety General Approvals and Permits Branch, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC 20590-0001, (202) 366-4535.

SUPPLEMENTARY INFORMATION: Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

Copies of the applications are available for inspection in the Records Center, East Building, PHH-13, 1200 New Jersey Avenue Southeast, Washington, DC.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal

hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on July 6, 2022.
Donald P. Burger,
Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA			
21382-N	CU Aerospace LLC	173.232(g)(3)	To authorize the transportation in commerce of compressed gases in a non-DOT specification package. (modes 1, 4).
21383-N	Emergency Environmental Services, LLC.	173.185(f)	To authorize the transportation in commerce of damaged lithium batteries in non-spec packaging. (mode 1).
21385-N	Williams Advanced Engineering Limited.	173.185(a)(1), 173.185(b)(6) ..	To authorize the transportation in commerce of prototype and low production lithium ion batteries exceeding 35 kg net weight aboard cargo-only aircraft. (mode 4)
21387-N	Cobham Mission Systems Orchard Park Inc.	173.302a	To authorize the manufacture, mark, sale, and use of full wrapped fiber reinforced aluminum 6061-T6 lined cylinder meeting the ISO Standard 11119-2 except as specified herein. (modes 1, 2, 3, 4, 5).
21390-N	Bollore Logistics Germany Gmbh.	173.220(d), 173.185(a)(1), 173.185(e)(7).	To authorize the transportation in commerce of lithium ion batteries and cells in non-specification packaging (spacecraft). (mode 4)
21393-N	Bollore Logistics Germany Gmbh.	173.185(a)(1)	To authorize the transportation in commerce of prototype lithium batteries contained in equipment via cargo-only aircraft. (mode 4)
21394-N	Alucan Entec SA	173.306(a)(3)(ii), 173.306(a)(3)(ii).	To authorize the manufacture, mark, sale and use of a certain non-DOT specification inside metal containers conforming to all regulations applicable to a DOT Specification 2Q inner non-refillable metal receptacle, except as specified herein. (mode 3)
21396-N	Porsche Cars North America, Inc.	173.185(f)(3)	To authorize the transportation in commerce of damaged, defective, and recalled lithium batteries with more than one lithium battery per outer packaging. (modes 1, 2, 3)
21397-N	Strategic Edge Imports, LLC ..	172.204(a)(1), 172.301(a)(1), 172.301(c), 172.404(a), 172.404(b), 172.704(a)(1), 172.704(a)(3), 172.704(a)(3)(i), 172.704(a)(3)(ii), 172.704(a)(3)(iii), 172.704(a)(4).	To authorize the transportation in commerce of certain DOT 3AL, TC/3ALM and UN ISO 7866 cylinders that contain carbon dioxide, with alternative hazard communication. (modes 1, 2, 3)
21402-N	Daniels SharpSmart, Inc	173.196(a)	To authorize the transportation in commerce of infectious substances affecting humans in alternative packaging. (mode 1)

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Actions on Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of

Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before August 11, 2022.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

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