

## Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed TSO may be examined, before and after the comment closing date, in Room 815, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

## Background

The National Transportation Safety Board (NTSB) determined the probable cause of a recent aircraft accident to be pilot error, stating that the events that led to the accident were difficult for investigators to determine because of limited data. As a result of the limited data available to provide a more definitive cause of the accident, the NTSB recommended among other things, that the Federal Aviation Administration incorporate the European Organization for Civil Aviation Equipment's proposed standards for a crash-protective video recording system into a TSO. We concurred with the NTSB's recommendation, by offering proposed TSO-C176 for a crash-protective video recording system.

## How to Obtain Copies

You may get a copy of the proposed TSO-C26d from the Internet at: [http://www.faa.gov/aircraft/draft\\_docs/](http://www.faa.gov/aircraft/draft_docs/). See section entitled **FOR FURTHER INFORMATION CONTACT** for the complete address if requesting a copy by mail. Copies of SAE ARP5381 may be purchased from the Society of Automotive Engineers, Inc., Department 331, 400 Commonwealth Drive, Warrendale, PA 15096-0001. Copies can also be obtained through the SAE Internet Web site at <http://www.sae.org>.

Issued in Washington, DC, on January 20, 2006.

**Susan J.M. Cabler,**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-23171; Notice 2]

#### Bridgestone Firestone North America Tire, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

Bridgestone Firestone North America Tire, LLC (Bridgestone Firestone) has determined that certain tires that it produced in 2005 do not comply with S4.3.2 of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New pneumatic tires." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bridgestone Firestone has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on December 9, 2005 in the **Federal Register** (70 FR 73323). NHTSA received no comments.

Affected are a total of approximately 50 P205/70R15 Le Mans Champion SE tires produced in 2005. S4.3.2 of FMVSS No. 109 refers to 49 CFR Part 575.4, section (d) of which requires that the sidewall stamping include the date of manufacture. The noncompliant tires are stamped HYMOLCM, while the correct stamping including the date of manufacture should be HYMOLCM2705.

Bridgestone Firestone believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Bridgestone Firestone states that "[t]he noncompliant tires meet or exceed all performance requirements of FMVSS No. 109 and will have no impact on the operational performance or safety of vehicles on which these tires are mounted." The petitioner further states,

The week and year of [the] production portion of the Tire Identification Number (TIN) becomes important in the event of a safety campaign so that the consumer may properly identify the recalled tire(s). For this mislabeling, any safety campaign communication, if necessary, could include in the listing of recalled TINs and (sic) the TIN for these tires with the missing or blank date of production so that the consumer would know that these mislabeled tires are included in the recall.

NHTSA agrees with Bridgestone Firestone that the noncompliance is inconsequential to motor vehicle safety. As Bridgestone Firestone points out, a consumer notification of a recall of the

tires could be accomplished by referring to the TIN. Bridgestone Firestone has corrected the problem.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, Bridgestone Firestone's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

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

Issued on: January 20, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-23169; Notice 2]

#### Cooper Tire & Rubber Company, Grant of Petition for Decision of Inconsequential Noncompliance

Cooper Tire & Rubber Company (Cooper) has determined that certain tires that it produced in 2005 do not comply with S4.3(a) of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires" and with 49 CFR Part 574.5, "Tire Identification Requirements." Pursuant to 49 U.S.C. 30118(d) and 30120(h), Cooper has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Notice of receipt of a petition was published, with a 30-day comment period, on December 9, 2005 in the **Federal Register** (70 FR 73324). NHTSA received no comments.

Affected are a total of approximately 668 size 235/70R15 tires produced during the period January 9, 2005 through June 18, 2005. S4.3(a) and Part 574.5(b) require a tire identification number (TIN) on the tire which includes a size designation. The noncompliant tires were molded with the letters "4E" as the size designation. The correct stamping should have been "TY."

Cooper believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. Cooper states that the purpose of the TIN is to