

them as BLEMs or seconds at a reduced price, but at least the tires would have the correct maximum inflation pressure of 35 psi, if not the correct maximum inflation pressure of 241, actually 241.32, kPa.

Discussion

Michelin has admitted manufacturing and not being able to locate approximately 247 P185/75R14x Radial BW tires that have incorrect maximum inflation pressure information in pounds per square inch labeled on both tire sidewalls. The actual mark on these tires is "240 kPa(33psi)MAX.PRESS," and the required mark is "240 kPa(35psi)MAX.PRESS." Michelin cites the availability of several publications which instruct users of the correct maximum inflation pressure to be used in tires. Michelin's inconsequentiality application does not address the potential safety hazard which could be caused by the reported noncompliance. Instead, Michelin argues that the noncompliance in labeling is minor because the maximum inflation pressure is correctly marked in kPa on the tire sidewall.

The potential safety hazard is overloading the vehicle on which the tires are installed. To determine whether there might be a potential overloading problem, the agency referred to The 1995 Tire and Rim Association Yearbook. The tire load limits at (240kPa/35psi) and (240kPa/33psi) are very close, the difference being approximately 55 lbs. (See Table I.)

Table I—1995—The Tire and Rim Association, Inc.

Tire Size Designation—P185/75*14	Tire Load Limits at Various Cold Inflation Pressures Standard Load
kPa—220 to 240	
psi—32 to 35	
Kg—560 to 585	
lbs.—1,235 to 1,290	

NHTSA is not convinced that the chart indicates that tire overloading is likely to occur should customers and tire mounters adhere to the noncompliant tire label. The agency's belief is based on the assumption that the tires will most likely be used on passenger vehicles and that most passenger vehicles are not loaded to their maximum load weight. Usually these vehicles carry an average of two passengers and this would not create an overloaded condition. Also, the average tire owner is not likely to inflate tires on a vehicle to the recommended maximum inflation pressure that appears on the tire. Finally, the number of noncompliant tires is very small, only

247, which reduces the import of the noncompliance.

Accordingly, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants Michelin's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120. (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 19, 1996.

Patricia Breslin,

Acting Associate Administrator for Safety Performance Standards.

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[Docket No. 96-068; Notice 1]

Michelin North America, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Michelin North America, Inc. (Michelin) of Greenville, South Carolina, has determined that some of its tires fail to comply with the labeling requirements of 49 CFR 571.109, Federal Motor Vehicle Safety Standard (FMVSS) No. 109, "New Pneumatic Tires," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defect and Noncompliance Reports." Michelin has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application 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 application.

In FMVSS No. 109, Paragraph S4.3(a) requires tires to be labeled with one size designation, except that equivalent inch and metric size designations may be used.

Michelin's description of non-compliance follows:

"During the period of the 25th week through the 45th week of 1995, the Ardmore, Oklahoma, plant of Uniroyal Goodrich Tire Manufacturing, a division of Michelin North America, Inc., produced tires with two size designations specified on one sidewall of the tire. Specifically, in the upper sidewall of the tire, in letters 0.44 inches high, the tire was correctly marked as a 205/70R15. The tire was incorrectly marked in the lower sidewall area, in letters 0.25 inches high, as a 205/75R15. This incorrect marking occurred on the side opposite the DOT tire identification

number. The correct marking also appears in two places on the side that contains the DOT tire identification number. The markings specified by 49 CFR 571.109 S4.3(a) call for only one size designation. All performance requirements of FMVSS #109 are met or exceeded for these tires.

"Approximately 4,708 205/70R15 BF Goodrich Touring T/A SR4 tires were produced with the aforementioned information on one sidewall of the tire. Of this total, as many as 730 were shipped to the replacement market. The remaining tires have been isolated in [Michelin's] warehouses and will be brought into full compliance with the marking requirements of FMVSS No. 109 or scrapped."

Michelin supported its application for inconsequential noncompliance with the following:

"1. All tires have a paper label, showing the correct size, applied to the tire tread. Tires are generally 'pulled from the rack' based on the paper label. Thus information on the correct tire size for the application would be available.

"2. The tire size is incorrect, in one of four places, only with respect to the aspect ratio (or series), that is 75. Both the section width designation of 205 and the rim diameter code of 15 are correct. The correct maximum load and inflation pressure for the 205/70R15 is molded on both sides of the tire.

"3. The tire size is correctly stamped on both sides in letters 0.44 inch high. Thus attention should be more readily drawn to the correct tire size than to the incorrect size which is in much smaller letters.

"4. When these tires are mounted on the vehicle, the 'clean' side (i.e. the side without the bar code lines) is mounted out. Thus when mounting these tires on a vehicle, the proper size designation is readily apparent in two places on the sidewall."

Interested persons are invited to submit written data, views, and arguments on the application of Michelin, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the Federal Register pursuant to the authority indicated below. Comment closing date: July 25, 1996.

(49 U.S.C. 30118, 30120; delegation of authority at 49 CFR 501.8)

Issued on: June 19, 1996.

Patricia Breslin,

Acting Associate Administrator for Safety
Performance Standards.

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Surface Transportation Board

Sunshine Act Meeting

BOARD CONFERENCE

TIME AND DATES: 10:00 a.m., July 3, 1996.

PLACE: Hearing Room A, Surface
Transportation Board, 1201 Constitution
Avenue, NW., Washington, DC 20423.

STATUS: The Board will meet to discuss
among themselves the following agenda
items. Although the conference is open
for the public observation, no public
participation is permitted.

MATTERS TO BE DISCUSSED:

Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*

This notice covers both the Finance Docket No. 32760 lead proceeding and the following embraced proceedings:

Finance Docket No. 32760 (Sub-No. 1), *Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Trackage Rights Exemption—Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company;*

Finance Docket No. 32760 (Sub-No. 2), *Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company—Petition for Exemption—Acquisition and Operation of Trackage in California, Texas, and Louisiana;*

Finance Docket No. 32760 (Sub-No. 3), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—The Alton & Southern Railway Company;*

Finance Docket No. 32760 (Sub-No. 4), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Central California Traction Company;*

Finance Docket No. 32760 (Sub-No. 5), *Union Pacific Corporation, Union Pacific*

Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—The Ogden Union Railway & Depot Company;

Finance Docket No. 32760 (Sub-No. 6), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Portland Terminal Railroad Company;*

Finance Docket No. 32760 (Sub-No. 7), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Portland Traction Company;*

Finance Docket No. 32760 (Sub-No. 8), *Union Pacific Corporation, Union Pacific Railroad Company, Missouri Pacific Railroad Company, Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company—Control Exemption—Overnite Transportation Company, Southern Pacific Motor Trucking Company, and Pacific Motor Transport Company;*

Finance Docket No. 32760 (Sub-No. 9), *Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company—Terminal Trackage Rights—Kansas City Southern Railway Company;*

Docket No. AB-3 (Sub-No. 129X), *Missouri Pacific Railroad Company—Abandonment Exemption—Gurdon-Camden Line In Clark, Nevada, and Ouachita Counties, AR;* Docket No. AB-3 (Sub-No. 130), *Missouri Pacific Railroad Company—Abandonment—Towner-NA Junction Line In Kiowa, Crowley, and Pueblo Counties, CO;*

Docket No. AB-3 (Sub-No. 131), *Missouri Pacific Railroad Company—Abandonment—Hope-Bridgeport Line In Dickinson and Saline Counties, KS;*

Docket No. AB-3 (Sub-No. 132X), *Missouri Pacific Railroad Company—Abandonment Exemption—Whitewater-Newton Line In Butler and Harvey Counties, KS;*

Docket No. AB-3 (Sub-No. 133X), *Missouri Pacific Railroad Company—Abandonment Exemption—Iowa Junction-Manchester Line In Jefferson Davis and Calcasieu Parishes, LA;*

Docket No. AB-3 (Sub-No. 134X), *Missouri Pacific Railroad Company—Abandonment Exemption—Troup-Whitehouse Line In Smith County, TX;*

Docket No. AB-8 (Sub-No. 36X), *The Denver and Rio Grande Western Railroad Company—Discontinuance Exemption—Sage-Leadville Line In Eagle and Lake Counties, CO;*

Docket No. AB-8 (Sub-No. 37), *The Denver and Rio Grande Western Railroad*

Company—Discontinuance of Trackage Rights—Hope-Bridgeport Line In Dickinson and Saline Counties, KS;

Docket No. AB-8 (Sub-No. 38), *The Denver and Rio Grande Western Railroad Company—Discontinuance of Trackage Rights—Towner-NA Junction Line In Kiowa, Crowley, and Pueblo Counties, CO;*

Docket No. AB-8 (Sub-No. 39), *The Denver and Rio Grande Western Railroad Company—Discontinuance—Malta-Cañon City Line In Lake, Chaffee and Fremont Counties, CO;*

Docket No. AB-12 (Sub-No. 184X), *Southern Pacific Transportation Company—Abandonment Exemption—Wendel-Alturas Line In Modoc and Lassen Counties, CA;*

Docket No. AB-12 (Sub-No. 185X), *Southern Pacific Transportation Company—Abandonment Exemption—Suman-Bryan Line In Brazos and Robertson Counties, TX;*

Docket No. AB-12 (Sub-No. 187X), *Southern Pacific Transportation Company—Abandonment Exemption—Seabrook-San Leon Line In Galveston and Harris Counties, TX;*

Docket No. AB-12 (Sub-No. 188), *Southern Pacific Transportation Company—Abandonment—Malta-Cañon City Line In Lake, Chaffee, and Fremont Counties, CO;*

Docket No. AB-12 (Sub-No. 189X), *Southern Pacific Transportation Company—Abandonment Exemption—Sage-Leadville Line In Eagle and Lake Counties, CO;*

Docket No. AB-33 (Sub-No. 93X), *Union Pacific Railroad Company—Abandonment Exemption—Whittier Junction-Colima Junction Line In Los Angeles County, CA;*

Docket No. AB-33 (Sub-No. 94X), *Union Pacific Railroad Company—Abandonment Exemption—Magnolia Tower-Melrose Line In Alameda County, CA;*

Docket No. AB-33 (Sub-No. 96), *Union Pacific Railroad Company—Abandonment—Barr-Girard Line In Menard, Sangamon, and Macoupin Counties, IL;*

Docket No. AB-33 (Sub-No. 97X), *Union Pacific Railroad Company—Abandonment Exemption—DeCamp-Edwardsville Line In Madison County, IL;*

Docket No. AB-33 (Sub-No. 98X), *Union Pacific Railroad Company—Abandonment Exemption—Edwardsville-Madison Line In Madison County, IL;*

Docket No. AB-33 (Sub-No. 99X), *Union Pacific Railroad Company—Abandonment Exemption—Little Mountain Jct.-Little Mountain Line In Box Elder and Weber Counties, UT;*

Finance Docket No. 32760 (Sub-No. 10), *Responsive Application—Capital Metropolitan Transportation Authority;* Finance Docket No. 32760 (Sub-No. 11), *Responsive Application—Montana Rail Link, Inc.;*

Finance Docket No. 32760 (Sub-No. 12), *Responsive Application—Entergy Services, Inc., Arkansas Power & Light Company, and Gulf States Utility Company;*

Finance Docket No. 32760 (Sub-No. 13), *Responsive Application—The Texas Mexican Railway Company;*

Finance Docket No. 32760 (Sub-No. 14), *Application for Terminal Trackage Rights Over Lines of The Houston Belt & Terminal Railway Company—The Texas Mexican Railway Company;*