



April 7, 2021

Administrator  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: Petition for Exemption for Inconsequential Noncompliance with FMVSS 139  
Ref: 49 CFR Part 573 Report: 235/65R18 106H Primacy Tour A/S

NHTSA ID: 21T006

Dear Sir or Madam:

Pursuant to 49 U.S.C. § 30118(d) and 49 U.S.C. § 30120(h) and in accordance with the requirements of 49 CFR 556, Michelin North America, Inc. ("MNA"), a New York Corporation, hereby requests exemption from the notification and remedy requirements of the Motor Vehicle Safety Act, 49 U.S.C., Chapter 301, with respect to a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) 139 – New pneumatic radial tires for light vehicles.

This petition concerns a noncompliance of 1196 Michelin 235/65R18 106H Primacy Tour A/S tires produced at Michelin's Greenville, South Carolina factory between January 3, 2021, and January 23, 2021. The subject tires do not fully comply with 49 CFR 574.5 Tire Identification Requirements as referenced by 49 CFR 571.139 S5.5.1 Tire Identification Number.

Pursuant to 49 CFR 573, Michelin North America, Inc. submitted a Noncompliance Report, on March 25, 2021. As indicated in the March 25, 2021 filing, Michelin North America, Inc. is submitting this petition for exemption from the notification and remedy requirements on the basis that the noncompliance is inconsequential with respect to motor vehicle safety.

#### **Background**

A total of 1196 Michelin 235/65R18 106H Primacy Tour A/S tires had been produced in a mold that had the DOT plant code plate installed upside down. The plant code characters were incorrectly oriented, with the bottoms of the characters facing toward the tread of the tire. According to the Figure 1 in 49 CFR 574.5, the proper orientation of Tire Identification Number characters is with the bottoms of the characters facing toward the bead of the tire. The inverted marking is molded on the intended inboard sidewall.

Michelin Americas Research Company

515 Michelin Road, P.O. Box 1987  
Greenville, South Carolina 29605-1987

**NHTSA-210416-008**

Intended Marking: DOT 1M3 MB01MX

Actual Marking: DOT ~~EWI~~ MB01MX

Photo of sample affected tire (inboard sidewall):



The noncompliance was due to an error in installation of the plant code plate on the intended inboard side of a single production mold. The plant code on the intended outboard side of the tire appears in the correct orientation.

### Analysis

1. Operational Safety
  - a. The Tire Identification Number (TIN) marking noncompliance does not create any operational safety risk for the vehicle. The tires comply with applicable Federal Motor Vehicle Safety Standards and all other applicable regulations.
  - b. The incorrect orientation of the TIN plant code has no bearing on tire performance.
  - c. The subject tires are marked with all other markings required under FVMSS 139 such as S5.5(c) maximum permissible inflation pressure and S5.5(d) maximum load rating. The necessary information is available on the sidewall of the tire to ensure proper application and usage.
  - d. The subject tires contain the DOT symbol on both sidewalls thus indicating conformance to applicable Federal Motor Vehicle Safety Standards.
2. Identification & Traceability
  - a. All information required by 49 CFR 574.5 for the Tire Identification Number (plant code + size code + option code + date code) is present on the sidewall of the tire.
  - b. The plant code orientation discrepancy only exists on the intended inboard sidewall of the tire. The intended outboard sidewall has the correct sequence of DOT + plant code + size code + option code + manufacturing date, with all characters oriented in the proper direction.
  - c. For identification and traceability purposes the key information of plant code and manufacturing date is present on the tire.
  - d. In the event that dealer / owner notifications are required either the intended marking (DOT 1M3) or the actual marking (DOT ~~EWI~~ ) would serve as an identifier of the tire.
3. Corrective Actions
  - a. Upon identification of the mismarking Michelin instituted a block on the affected tires and initiated a sorting of inventories. A total of 1139 of the 1196 tires produced with the incorrect marking were captured and retained in Michelin inventory.
  - b. The plant code plate in the effected mold has been restored to its correct orientation.
4. Proactive Measures
  - a. The mis-marking has been communicated to Michelin Customer Care representatives in order to effectively handle any inquiries from dealers or owners regarding the subject tires.

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5. Prior NHTSA decisions

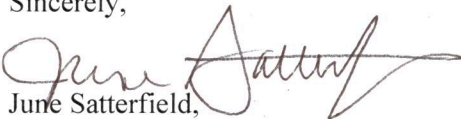
- a. NHTSA has concluded in other petitions related to similar Tire Identification Number marking errors that this type of noncompliance is inconsequential to safety. Most notably, Cooper Tire & Rubber Company, 81 FR 43708, July 5, 2016 for tires produced with an inverted date code. In this case NHTSA concluded that the inverted marking did not affect the consumers ability to identify the tire. Other examples exist where Tire Identification Number information was incorrect, missing or molded in the wrong sequence and NHTSA granted the petition.

**Summary**

Based on the information presented the inverted plant code marking does not have an impact on the operational safety of the subject tires or the vehicles on which they are equipped. Additionally, the mis-marking does not prevent the consumer or dealer from identifying the tire. Identification and traceability of the tires could be accomplished in the event of a dealer / owner notification by referencing the actual TIN marking. Considering these points as well as the proactive measures taken, and with consideration of NHTSA's prior decisions regarding TIN content marking errors, Michelin North America, Inc. believes the subject noncompliance is inconsequential as it relates to motor vehicle safety. Michelin North America, Inc. respectfully requests that NHTSA grant the petition for exemption from notification requirements of 40 U.S.C. § 30118 and the remedy provisions of 49 U.S.C. § 30120.

If you or your staff has any questions regarding this petition, please contact me.

Sincerely,



June Satterfield,  
Director, Industry Standards & Government Regulations  
Michelin North America, Inc.

Michelin Americas Research Company

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515 Michelin Road, P.O. Box 1987  
Greenville, South Carolina 29605-1987

**NHTSA-210416-008**





Michelin North America, Inc.

## Tire Report

**NHTSA ID: 21T006 Transaction ID: 21-005460-25763-10 (Original Report)**
**Required fields indicated with \***
**Manufacturer: Michelin North America, Inc.**

 One Parkway South  
 Greenville SC 29615

 Ron Latawiec  
 864-4223896,

 This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)
**Tire Information**
**Michelin Primacy Tour A/S 235/65R18 106H**

- \* **Tire Brand:** Michelin
- \* **Tire Line:** Primacy Tour A/S
- \* **Tire Size:** 235/65R18 106H

**Descriptive Information:**

Replacement market tires primarily intended for application on passenger cars and sport utility vehicles. Subject tires have marking error in the DOT Tire Identification Number.

**Production Dates**    Begin: 01/03/2021  
    End: 01/23/2021

**Tire Identification Number (TIN)**

* Plant ID code:	* Size code:	Optional code:	* Beg. Date Code:	* End. Date Code:	
MB	01MX	0121	0321		1M3

**Number potentially involved:** 1196

**Estimated percentage of involved with defect:** 100%

**Defect / Noncompliance Description**

For this Defect/Noncompliance:

**\* Describe the defect or noncompliance:**

DOT Tire Identification Number plant code characters are inverted.

**If a noncompliance, provide the applicable FMVSS:**

574 - Tire Identification &amp; Recordkeeping

**If applicable, provide any further FMVSS affected:**

139 - New pneumatic radial tires for light vehicles

**Describe the cause:**

Plant code plate was installed inverted on the inboard sidewall of one tire mold.

**\* Describe the safety risk:**

No safety risk has been identified with the inverted plant code marking. The inverted plant code on the sidewall does not impact the performance of the tire and does not create a safety concern for tire owners or tire service, repair or recycling personnel.

**Identify any warning which can precede or occur:**

Not applicable

**This Recall affects all vehicles.**

If applicable, identify the manufacturer of the defective or noncompliant component. If the manufacturer of the component is unknown, provide the information for the company that supplied the subject component.

Component manufacturer

Company Information

**Company Name:**
**Country:**
**Address 1:**
**Address 2:**
**City:**
**State:**
**Zip/Postal Code:**

Company Contact Information

**First Name:**
**Last Name:**
**Position:**
**Email:**
**Phone:**
**Involved Components**

If the defect or noncompliance involves a specific component(s), identify that component(s) below.

**Purchaser Information**
**Chronology of Defect / Noncompliance Determination**

**Provide the chronology of events leading up to the defect decision or test data for the noncompliance decision.:**

January 19, 2021 - Quality Assurance verifier detected inverted plant code plate during routine mold inspection January 19, 2021 - MNA Quality issued block on all tires of the subject SKU. March 16, 2021 - Completed sort activity indicated that 49 affected tires may have entered the US market. March 22, 2021 - MNA determined the mis-marking was a regulatory non-compliance and initiated action to inform NHTSA.

**Identify the Remedy**

**Describe the defect/noncompliance remedy program, including the manufacturer's plan for reimbursement.**

Not applicable pending inconsequential filing.

**Describe what distinguishes the remedy component from the recalled component.**

Not applicable pending inconsequential filing.

**Identify and describe how and when the recall condition was corrected in production.**

On January 1, 2021, the inverted plant code plate was removed from the affect mold and re-installed with the correct orientation.

**Identify the Recall Schedule**

**Describe the recall schedule for notifications.:**

Not applicable pending inconsequential filing.

**Planned Dealer Notification Begin Date:**

**Planned Dealer Notification End Date:**

**Planned Owner Notification Begin Date:**

**Planned Owner Notification End Date:**

**Manufacturer's identification code for this recall (if applicable):**

Please be reminded that owner notification letters must be mailed no more than 60 days from submission of this report.

**Manufacturer Comments to NHTSA Staff**

MNA intends to file a petition for a finding of inconsequential non-compliance.

**Document Upload**

There are 0 documents associated with this report.

# Part 573 Safety Recall Report

## 21T-006

**Manufacturer Name :** Michelin North America, Inc.

**Submission Date :** MAR 25, 2021

**NHTSA Recall No. :** 21T-006

**Manufacturer Recall No. :** NR



### Manufacturer Information :

**Manufacturer Name :** Michelin North America, Inc.

**Address :** One Parkway South  
Greenville SC 29615

**Company phone :** 864-422-4985

### Population :

**Number of potentially involved :** 1,196

**Estimated percentage with defect :** 100 %

### Tire Information :

**Tire Brand 1 :** Michelin

**Tire Line :** Primacy Tour A/S

**Tire Size :** 235/65R18 106H

**Descriptive Information :** Replacement market tires primarily intended for application on passenger cars and sport utility vehicles. Subject tires have marking error in the DOT Tire Identification Number.

**Production Dates :** JAN 03, 2021 - JAN 23, 2021

### TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
1M3	MB	01MX	0121	0321

### Description of Noncompliance :

**Description of the Noncompliance :** DOT Tire Identification Number plant code characters are inverted.

**FMVSS 1 :** 574 - Tire Identification & Recordkeeping

**FMVSS 2 :** 139 - New pneumatic radial tires for light vehicles

**Description of the Safety Risk :** No safety risk has been identified with the inverted plant code marking. The inverted plant code on the sidewall does not impact the performance of the tire and does not create a safety concern for tire owners or tire service, repair or recycling personnel.

**Description of the Cause :** Plant code plate was installed inverted on the inboard sidewall of one tire mold.

**Identification of Any Warning that can Occur :** Not applicable

**Involved Components :**

Component Name : NR

Component Description : NR

Component Part Number : NR

**Supplier Identification :****Component Manufacturer**

Name : NR

Address : NR

NR

Country : NR

**Chronology :**

January 19, 2021 - Quality Assurance verifier detected inverted plant code plate during routine mold inspection

January 19, 2021 - MNA Quality issued block on all tires of the subject SKU.

March 16, 2021 - Completed sort activity indicated that 49 affected tires may have entered the US market.

March 22, 2021 - MNA determined the mis-marking was a regulatory non-compliance and initiated action to inform NHTSA.

**Description of Remedy :**

Description of Remedy Program : Not applicable pending inconsequential filing.

How Remedy Component Differs from Recalled Component : Not applicable pending inconsequential filing.

Identify How/When Recall Condition was Corrected in Production : On January 1, 2021, the inverted plant code plate was removed from the affect mold and re-installed with the correct orientation.

**Recall Schedule :**

Description of Recall Schedule : Not applicable pending inconsequential filing.

Planned Dealer Notification Date : NR - NR

Planned Owner Notification Date : NR - NR

**Purchaser Information :**

The following manufacturers purchased this defective/noncompliant equipment for possible use or installation in new motor vehicles or new items of motor vehicle equipment:

Name : NR

Address : NR

NR

Country : NR

Company Phone : NR

\* NR - Not Reported