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June 22, 2021

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Subject: Vee Rubber Corporation Ltd.'s Petition for Determination of Inconsequentiality and Request for Exemption from Notice and Remedy Requirements Regarding Tire Model VRM133, sizes 130/80-12 and 120/80-12.

Dear Administrator:

Vee Rubber Corporation Ltd. ("VRC") is a foreign manufacturer of motorcycle tires organized under the laws of the Kingdom of Thailand, with its principal offices at 924 Rama 9 Road, Bangkok, Huay-kwang, Bangkok, Thailand, 10310. I am representing VRC in this matter, along with attorney Darren M. Ballas from my office, and I am also VRC's Designated Agent.

On June 7, 2021, VRC filed a Noncompliance Report pursuant to 49 C.F.R. Part 573, with regard to the noncompliance with one of the marking requirements of Federal Motor Vehicle Safety Standard No. 119, "New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles" (49 C.F.R. § 571.119)

For the reasons set forth below, VRC seeks an exemption from the notice and remedy requirements of the Motor Vehicle Safety Act pursuant to 49 U.S.C. § 30118(d) and §30120(h), which allows this Department to exempt an equipment manufacturer from the Act's remedy requirements where a noncompliance is determined to be inconsequential, and 49 C.F.R. § 556.4, which allows the manufacturers to "petition the NHTSA for exemption from the notification and remedy requirements of the Act due to the inconsequentiality of the defect or noncompliance as it relates to motor vehicle safety."

1. Reason for the Petition

In developing certain motorcycle tires for the Asia market, VRC included extra markings within the tire identification number ("TIN") between the manufacturer's code and the production week mark. Although permissible in the Asia market, the extra markings do not meet the tire marking requirements of S6.5 of FMVSS No. 119, "New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles."

VRC has determined that some of the tires manufactured with the elongated TIN have entered the United States.

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2. The Affected Tires

The tires involved in this Petition include VRC's model VRM133 motorcycle tires, sizes 120/80-12 and 130/80-12, both sizes of which were produced from March 5, 2018 through May 27, 2021. The "affected tires" are only those of both sizes to enter the United States with the date production codes indicated by the last four digits of the TIN to include 0918 through 2321.

The total affected population is 100% of the 29,018 model VMR133 motorcycle tires that entered the United States, of which 14,473 are front wheel tires (size 120/80-12) and 14,545 are rear wheel tires (size 130/80-12).

3. Reason Why the Noncompliance is Inconsequential to Motor Vehicle Safety

The extra markings have no impact on the operational performance of the tires or on the safety of motorcycles on which these tires are installed. All affected tires meet all performance requirements specified by FMVSS No. 119.

In the event that the tires were recalled for a defect or noncompliance affecting operational performance, they would be easily identifiable by end-users because they still have a complete and identifiable TIN which is accessible while mounted because it is a motorcycle tire. Thus, all the information that would be needed to assist consumers in determining whether their tires were subject to a recall can be easily determined.

NHTSA has previously granted petitions pertaining to noncompliance of the TIN marking requirements wherein the TIN was sufficient to fulfill its purpose of notifying end-users in the event of a safety recall. This includes a recent decision in which the plant code and "DOT" mark were printed in reversed order (*Michelin North America, Inc.*, Grant of Petition of Inconsequential Noncompliance, 85 Fed. Reg. 37495 (June 21, 2020)), another where the date code portion of the TIN was missing (*Bridgestone Firestone North America Tire, LLC*, Grant of Petition for Decision of Inconsequential Noncompliance, 71 Fed. Reg. 4396 (Jan. 26, 2006)), and two other petitions wherein the TIN was embedded with an erroneous two-character size code (*Cooper Tire*, Grant of two Petitions for Inconsequential Noncompliance (71 Fed Reg. 4396 & 4397) (Jan. 25, 2006)). In each of these cases, NHTSA agreed with the manufacturers that *despite the mismarking, the affected tires remained easily identifiable and traceable in the event that any safety campaign were required.* (Cf., denial of inconsequential noncompliance petitions for tires of light vehicles subject to FMVSS § 571.139, Standard No. 139, which required the TIN to be marked in whole or in part on *both sidewalls* to facilitate *consumer access and identification* in the event of a safety recall. That is, TINs marked on only one sidewall were not easily accessible to consumers when the serial side was mounted inward on a 4-wheel vehicle.)

Further, NHTSA has previously granted several petitions pertaining to noncompliance with the marking requirements on the basis that surveys have shown that customers do not base their *tire purchases* on information found on the sidewall, including petitions which present arguably more

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serious errors such as inaccuracies as to tire construction and load capacity. (See, *e.g.*, *Cooper Tire & Rubber Company*, Grant of Petition of Inconsequential Noncompliance, 82 Fed. Reg. 17075 (April 7, 2017) (misidentified number of plies); *Nitto Tire U.S.A., Inc.*, Grant of Petition for Decision of Inconsequential Noncompliance, 81 Fed. Reg. 17764 (April 30, 2016) (misstatement of ply material); and *Hankook Tire America*, Grant of Petition for Decision of Inconsequential Noncompliance, 79 Fed. Reg. 30688 (May 27, 2014) (one less nylon ply than stated in markings)).

Since the extra markings on the TIN of the affected tires do not create a safety risk, and arguably make the tires *more identifiable and traceable* in the event of a safety campaign, the noncompliance is inconsequential.

VRC is not aware of any customer claims, complaints, injuries, incidents or field reports associated with the extra markings in the TIN on the affected tires.

VRC has already corrected the error at its plant so that the TIN on all new Model VRM133 tires in the affected sizes will be marked according to S6.5 of FMVSS No. 119. VRC has also recovered all affected tires in possession of United States distributors or retailers that had not yet reached end-users.

4. Conclusion

For the foregoing reasons, VRC requests that NHTSA determine that the noncompliance identified in VRC's June 7, 2021 Noncompliance Report filing is inconsequential as it relates to motor vehicle safety, and that VRC should therefore be exempt from notification of the noncompliance and the remedies that are otherwise required by 49 U.S.C. § 30118, § 30119 and § 30120 of the Motor Vehicle Safety Act.

Sincerely,



JORGE A. BURGOS, ESQ.

Attachment:

VRC's June 7, 2021 Part 573 Noncompliance Report.

Enclosures:

Per C.F.R. § 556.4(b)(2) &(6), this original Petition is filed with three copies of the Petition and three copies of VRC's June 7, 2021 Part 573 Noncompliance Report.



Vee Rubber Corporation Ltd

Tire Report

Transaction ID: 21-0030133-26112-10 (Original Report)

Required fields indicated with *

Your report has been submitted. Your Transaction No. is 21-0030133-26112-10.

Manufacturer: Vee Rubber Corporation Ltd

924 Rama 9 Road, Bangkapi
Bangkok 00 10310

[Darren Ballas](#) Attorney
404-4100,

This is a Noncompliance Report. Filing a petition pursuant to [49 CFR 556](#)

Tire Information

Vee Rubber VRM133 120/80-12

- * **Tire Brand:** Vee Rubber
- * **Tire Line:** VRM133
- * **Tire Size:** 120/80-12

Descriptive Information:

Only tires that entered the United States and which were produced during the specified period, indicated by the last four digits of the TIN, i.e., "0918" and "2321" representing the 9th week of 2018 through the 23th week of 2021.

Production Dates Begin: 03/05/2018
 End: 05/27/2021

Tire Identification Number (TIN)

* Plant ID code:	* Size code:	Optional code:	* Beg. Date Code:	* End. Date Code:	
BBN		0918	2321		15A

Vee Rubber VRM133 130/80-12

- * **Tire Brand:** Vee Rubber
- * **Tire Line:** VRM133

Descriptive Information:

* **Tire Size:** 130/80-12

Production Dates Begin: 03/05/2018
 End: 05/27/2021

Only tires that entered the United States and which were produced during the specified period, indicated by the last four digits of the TIN, i.e., "0918" and "2321" representing the 9th week of 2018 through the 24th week of 2021.

Tire Identification Number (TIN)

* Plant ID code:	* Size code:	Optional code:	* Beg. Date Code:	* End. Date Code:	15A
BCN		0918	2321		

Number potentially involved: 29018

Estimated percentage of involved with defect: 100%

Defect / Noncompliance Description

For this Defect/Noncompliance:

* **Describe the defect or noncompliance:**

The affected tires contain extra markings between the manufacturer's code and production week mark within the tire identification number (TIN) which do not meet the requirements of S6.5 of FMVSS No. 119 New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles

If a noncompliance, provide the applicable FMVSS:

119 - New pneumatic tires- other than passenger cars

If applicable, provide any further FMVSS affected:

Describe the cause:

During tire development by VRC for Asia market, the tire identification number included extra markings that do not meet the requirements of FMVSS No. 119.

* **Describe the safety risk:**

The extra markings have no impact on the operational performance of the tires or on the safety of motorcycles on which these tires are installed on. The subject tires meet all performance requirements specified by FMVSS No. 119.

Identify any warning which can precede or occur:

This is an issue of noncompliance with markings and does not involve a safety issue. Therefore, no warning of danger will present itself with regard to this issue of noncompliance.

This Recall only affects vehicles in certain geographic regions (e.g. only salt states).

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:

Company Contact Information

First Name:

Last Name:

Position:

Address 2:
City:
State:
Zip/Postal Code:

Email:
Phone:

Involved Components

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

Purchaser Information

Company: American Honda Motor Co., Inc.
Country: United States
Address 1: 1919 Torrance Boulevard
Address 2:
City: Torrance
State: CALIFORNIA
Zip/Postal Code: 90501-2746

First Name:
Last Name:
Position:
Email:
Phone:

Chronology of Defect / Noncompliance Determination

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

Identify the Remedy

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

VRC is submitting to the agency, concurrently, a petition for an exemption from the notice and remedy provisions of the Safety Act, because this non-compliance is inconsequential to motor vehicle safety.

Describe what distinguishes the remedy component from the recalled component.

The remedy tires will be marked according to S6.5 of FMVSS No. 119.

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

Identify the Recall Schedule

Describe the recall schedule for notifications.:

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

Document Upload

There are 0 documents associated with this report.

1200 New Jersey Avenue, SE, West Building Washington DC 20590 USA 1.888.327.4236 TTY 1.800.424.9153
This application works best in IE9 and above and recent versions of Firefox, Chrome and Safari

Part 573 Safety Recall Report

21T-009

Manufacturer Name : Vee Rubber Corporation Ltd**Submission Date :** JUN 07, 2021**NHTSA Recall No. :** 21T-009**Manufacturer Recall No. :** NR**Manufacturer Information :**

Manufacturer Name : Vee Rubber Corporation Ltd

Address : 924 Rama 9 Road, Bangkapi

Huay Kwang Bangkok 00 10310

Company phone : 27196644

Population :

Number of potentially involved : 29,018

Estimated percentage with defect : 100 %

Tire Information :

Tire Brand 1 : Vee Rubber

Tire Line : VRM133

Tire Size : 120/80-12

Descriptive Information : Only tires that entered the United States and which were produced during the specified period, indicated by the last four digits of the TIN, i.e., "0918" and "2321" representing the 9th week of 2018 through the 23th week of 2021.

Production Dates : MAR 05, 2018 - MAY 27, 2021

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
15A	BBN	NR	0918	2321

Tire Brand 2 : Vee Rubber

Tire Line : VRM133

Tire Size : 130/80-12

Descriptive Information : Only tires that entered the United States and which were produced during the specified period, indicated by the last four digits of the TIN, i.e., "0918" and "2321" representing the 9th week of 2018 through the 24th week of 2021.

Production Dates : MAR 05, 2018 - MAY 27, 2021

TIN (Tire Identification Number)

Plant ID	Size code	Optional Code	Begin M Code	End M Code
15A	BCN	NR	0918	2321

Description of Noncompliance :

Description of the Noncompliance : The affected tires contain extra markings between the manufacturer's code and production week mark within the tire identification number (TIN) which do not meet the requirements of S6.5 of FMVSS No. 119 New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles

FMVSS 1 : 119 - New pneumatic tires- other than passenger cars

FMVSS 2 : NR

Description of the Safety Risk : The extra markings have no impact on the operational performance of the tires or on the safety of motorcycles on which these tires are installed on. The subject tires meet all performance requirements specified by FMVSS No. 119.

Description of the Cause : During tire development by VRC for Asia market, the tire identification number included extra markings that do not meet the requirements of FMVSS No. 119.

Identification of Any Warning that can Occur : This is an issue of noncompliance with markings and does not involve a safety issue. Therefore, no warning of danger will present itself with regard to this issue of noncompliance.

Involved Components :

Component Name : NR

Component Description : NR

Component Part Number : NR

Supplier Identification :

Component Manufacturer

Name : NR

Address : NR

NR

Country : NR

Chronology :

NR

Description of Remedy :

Description of Remedy Program : VRC is submitting to the agency, concurrently, a petition for an exemption from the notice and remedy provisions of the Safety Act, because this non-compliance is inconsequential to motor vehicle safety.

How Remedy Component Differs from Recalled Component : The remedy tires will be marked according to S6.5 of FMVSS No. 119.

Identify How/When Recall Condition was Corrected in Production : NR

Recall Schedule :

Description of Recall Schedule : NR

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 : American Honda Motor Co., Inc.

Address : 1919 Torrance Boulevard
Torrance CA 90501-2746

Country : US

Company Phone : NR

* NR - Not Reported