

**Jimenez, Alberto**

From: Monday, June 13, 2005 4:18 PM  
Sent: Jimenez, Alberto  
To: RE: ODI# 10114284  
Subject:

**FIRESTONE STEELTEX R4S  
LT225/75R16  
LOAD RANGE E**



Firestone Faulty  
Tire 001.jpg



Firestone Faulty  
Tire 002.jpg



Firestone Faulty  
Tire 003.jpg



Firestone Faulty  
Tire 004.jpg



Firestone Faulty  
Tire 005.jpg

Dear Mr. Jimenez,

Today I did talk with Mr. Michael J Jordan and he suggested taking pictures of the problem I found with the spare tire. I am attaching them for your files and record. For the world I don't understand what makes Firestone think that they are not responsible for this never used faulty Tire. If you can not help getting a replacement tire, I would at least hope that this problem is on the record. Your opinion and advise would be appreciated as soon as possible, as I do need to get an other tire to have as a spare.

Thank you sincerely,

-----Original Message-----

From: Jimenez, Alberto [mailto:Alberto.Jimenez@nhtsa.dot.gov]  
Sent: Tuesday, April 26, 2005 9:00 AM  
To:  
Subject: ODI# 10114284

Dear ----

The report you submitted via National Highway Traffic Safety Administration's (NHTSA) Web site was received by NHTSA's Office of defects Investigation on March 18, 2005. We appreciate the report you provided. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to determine whether an investigation into a possible safety defect is warranted. Also, information submitted by vehicle owners using Vehicle Owner's Questionnaires (VOQs) are automatically entered into our complaint database, and data is then available to NHTSA's Office of Defects Investigation investigators for review and analysis to determine whether an investigation is warranted. Due to the volume of VOQs received and limited agency resources, NHTSA cannot respond to the submitters of these questionnaires. We apologize for any confusion this may have caused you.

We would like to update your report. In reviewing you report it was noticed that you did not indicate whether you are the original owner of the vehicle and the tire name or number and the DOT identification number were not provided. Also, in describing the problem the vehicle was identified the vehicle as a "new 2005 Cargo Van" (is this correct?) and the defect was not identified. Provide this information by e-mail so that your report will be complete and correct. Please reference your file number (ODINO 10114284).

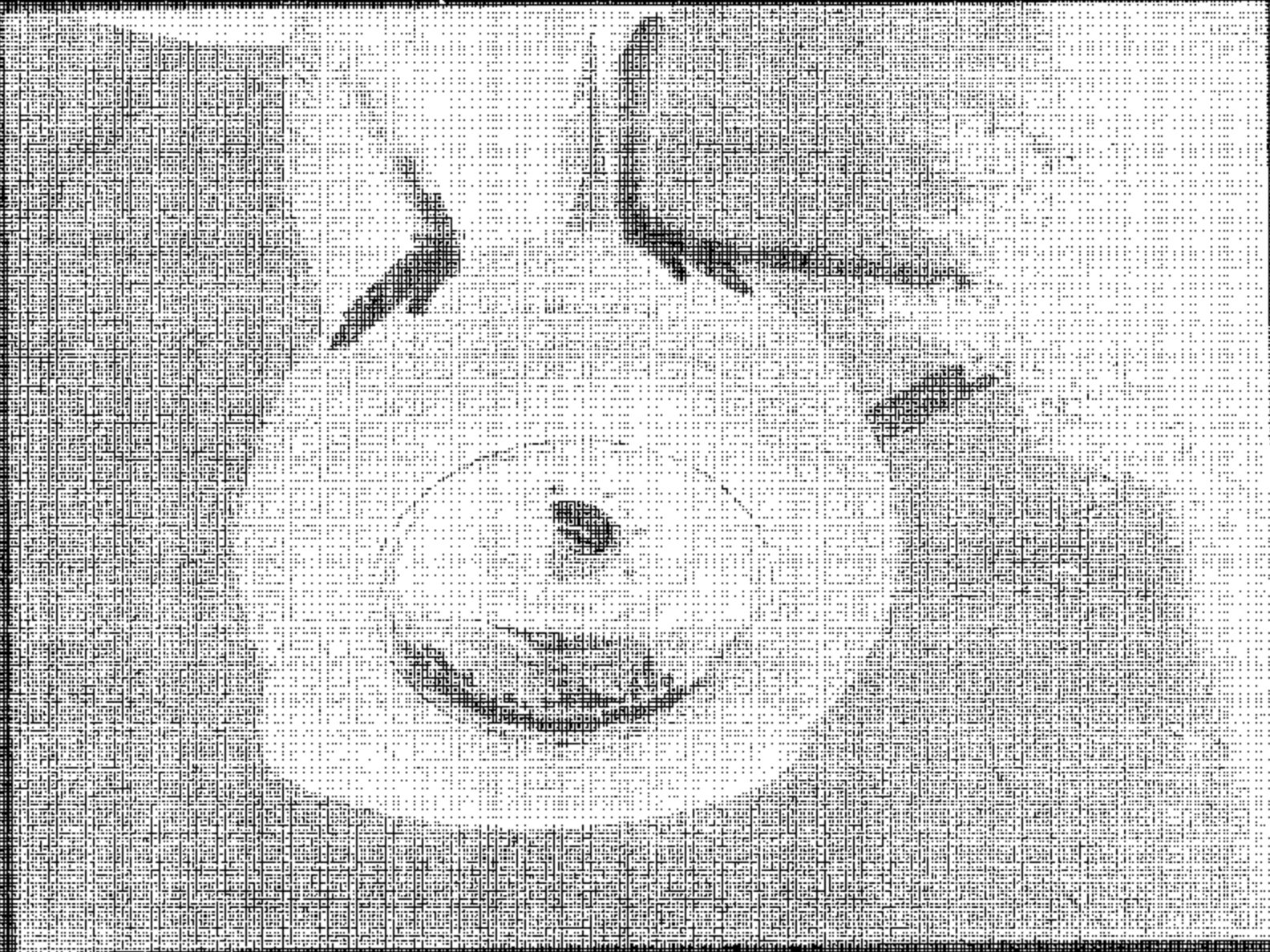
For your information, under our statute of limitations, we cannot require a tire manufacturer to exercise any recall without charge for tires beyond 5-years of age. This 5-year limitation applies only to the manufacturer's responsibility to replace a tire free of charge as part of a recall campaign

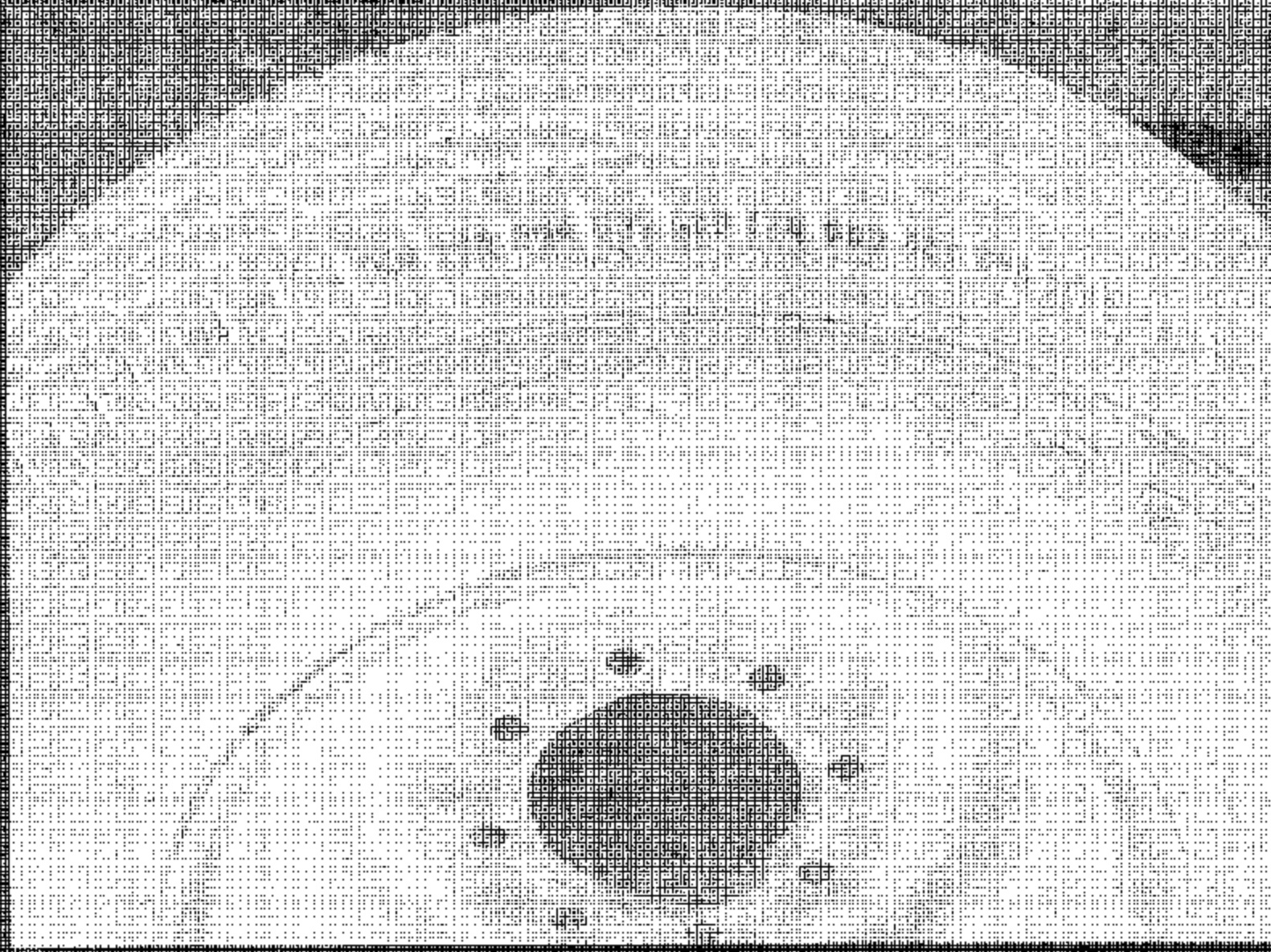
under the Federal statute. Also, if the vehicle was bought used and if you have not done so, you may consider contacting your local Consumer Protection Agency, Better Business Bureau, or your State's Office of the Attorney General regarding the tire issue.

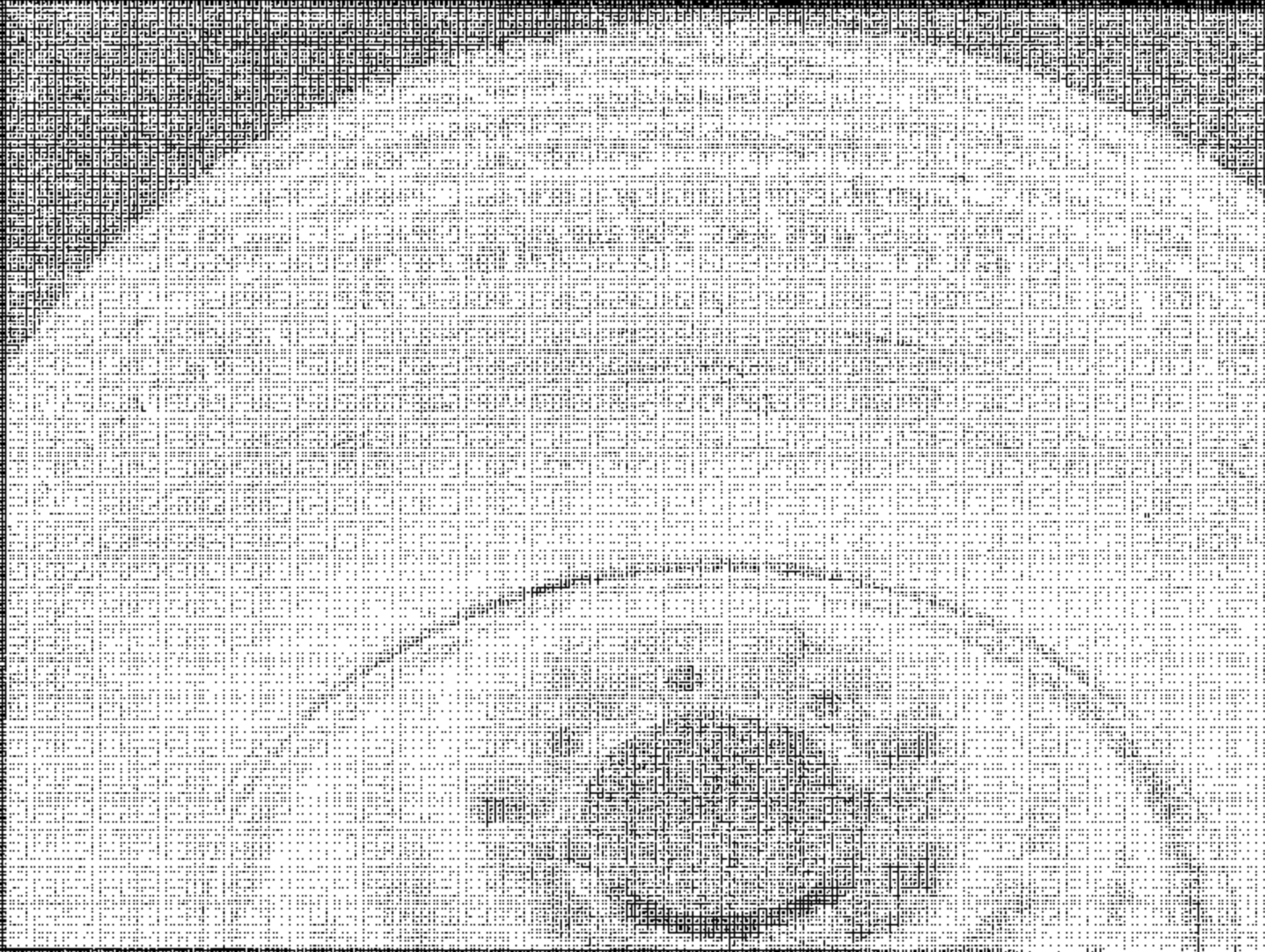
If further assistance is needed, please contact Mr. Michael J. Jordan, Safety Defects Program Assistant, Correspondence Research Division, Office of Defects Investigation, at (202) 493-0576.

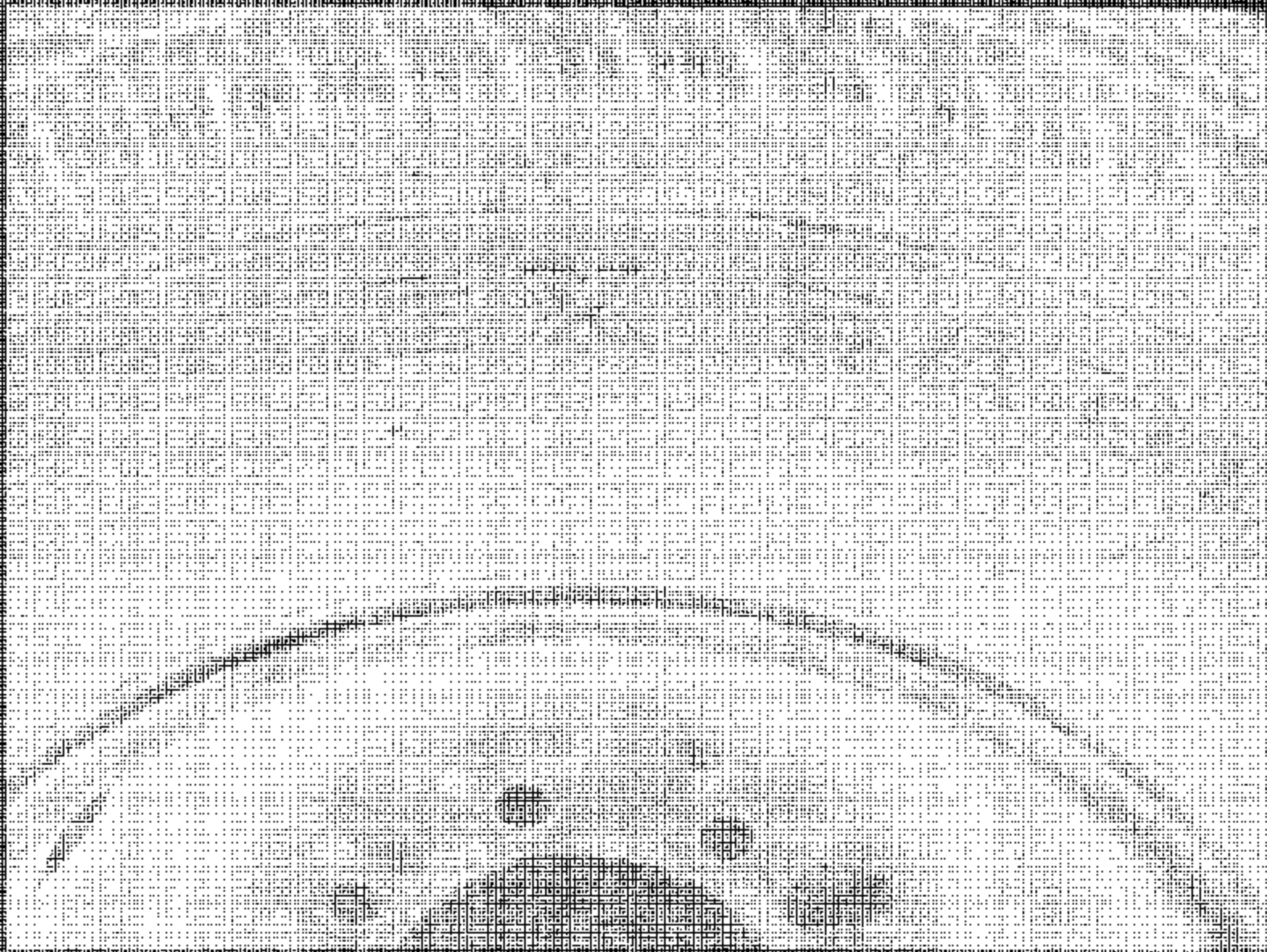
Sincerely,

Alberto A. Jimenez, Chief  
Correspondence Research Division  
Office of Defects Investigation  
Enforcement













U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**JUN 14 2005**

NVS-216 mjj  
Ref. No. 10114284

Charlotte, NC

Dear

Thank you for your e-mail correspondence dated June 13, 2005, concerning a problem you have encountered with a Firestone tire. Based on the digital photographs you provided, we were able to determine that the tire in question is a Firestone Steeltex R4S, size LT225/75R16, Load Range E tire. Your report has been updated in our database accordingly.

The National Highway Traffic Safety Administration (NHTSA) is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturers' recall campaigns. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the reports you provided. Reports from motorists are a very important source of information for us. Each report is analyzed and entered into a database to help us determine whether an investigation into a possible safety defect is warranted.

NHTSA's Office of Defects Investigation (ODI) opened an investigation (PE00-040) into tire failures involving Firestone Steeltex R4S, R4S II, and A/T light truck radial tires on September 9, 2000. The investigation was closed on April 9, 2002. A copy of the resume and closing report for this investigation are enclosed for your information. In November 2002, the Law Offices of Lisoni & Lisoni and the Law Offices of Steven E. Weinberger petitioned NHTSA to reopen its investigation into Firestone Steeltex light truck radial tires (DP02-011). On June 16, 2003, ODI denied that petition after conducting a thorough analysis of information submitted in support of the petition, data in our own database, and information obtained from Bridgestone/Firestone, Inc (Firestone). The petition resume and the analysis presented in the Federal Register notice regarding the denial of that petition are enclosed for your information.



DOT AUTO SAFETY HOTLINE  
888-DASH-2-DOT  
888-327-4238

On May 12, 2004, ODI received two petitions from the Law Offices of Lisoni & Lisoni. In their first petition (DP04-004), the petitioners requested that NHTSA reopen its previous investigation into Firestone Steeltex light truck radial tires due to an alleged defect in their design and performance. In their second petition (DP04-005), the petitioners requested that NHTSA reopen its previous investigation into Firestone Steeltex light truck radial tires due to an alleged defect in their design and performance, particularly taking into consideration those tires installed on ambulance and emergency response vehicles. On September 28, 2004, ODI denied both petitions after conducting a thorough analysis of information submitted in support of the petition, data in our own database, and updated information obtained from Firestone. The petition resumes and the analysis presented in the Federal Register notice regarding the denial of the petitions are enclosed for your information.

Upon receipt of your correspondence, ODI conducted a review of its database in an effort to identify whether a safety defect trend exists with regard to reported problems associated with Firestone Steeltex R4S, R4S II, and A/T light truck radial tires. At this time, there is insufficient evidence to warrant revisiting this issue. ODI will continue to monitor reports associated with this issue, in addition to other reported problems, and take future action as appropriate.

Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, you can contact our toll-free Vehicle Safety Hotline (Hotline) at 1-888-327-4236. One of our representatives may be able to assist you on matters concerning motor vehicle and motor vehicle equipment safety recalls or to report an alleged safety problem. You can also request safety information. If our telephones are busy, or you call during non-working hours, you can leave your name, telephone number, and a brief subject on our recording system. A Hotline representative will return your call.

Additionally, we have an Internet Web site at <http://www.nhtsa.dot.gov> that you may want to visit. An electronic Vehicle Owner's Questionnaire (VOQ) is also available on this Web site at <http://www.nhtsa.dot.gov/ivoq>. This form is for vehicle owners to report safety related problems about their motor vehicles or motor vehicle equipment, e.g., child safety seats, jacks, tires, brake fluid, etc. The reports submitted are transferred to our database and are used to identify safety-related defect trends that require our attention. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc., can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

If further assistance is needed, please contact Mr. Michael J. Jordan, Safety Defects Program Assistant, Correspondence Research Division, Office of Defects Investigation, at (202) 493-0576.

Sincerely,

A handwritten signature in black ink, appearing to read "Alberto A. Jimenez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alberto A. Jimenez, Chief  
Correspondence Research Division  
Office of Defects Investigation  
Enforcement

Enclosures



U.S. Department  
of Transportation  
National Highway  
Traffic Safety  
Administration

# ODI RESUME

*Handwritten initials*

INVESTIGATION: PE00-040  
DATE OPENED: 09-SEP-2000 DATE CLOSED: 09-APR-02  
SUBJECT: Alleged Tread Separation Tire Failure  
PROMPTED BY: IE00-077  
PRINCIPAL INVESTIGATOR: Scott Shadle/Jeffrey Quank

MANUFACTURER: Bridgestone/Firestone, Inc. (Firestone)  
MODEL(S): Firestone Steelax R4S, R4S II, and A/T light truck tires  
MODEL YEAR(S): 1991 through September 2001  
TIRE POPULATION: [CONFIDENTIAL]

PROBLEM DESCRIPTION: Separation of the tread and top belt from the tire carcass.

## FAILURE REPORT SUMMARY

	ODI	MANUFACTURER	TOTAL
COMPLAINTS/ CLAIMS:	872	[CONFIDENTIAL]	[CONFIDENTIAL]*
CRASHES:	14	30	39**
INI CRASHES:	8	15	18**
# INJURIES:	17	33	40**
FAT CRASHES:	1	6	6**
FATALITIES:	1	8	8**

ACTION: This Preliminary Evaluation (PE) is closed.

Investigator: *[Signature]*

DIV. CH. *[Signature]*

OPC. DIR: *[Signature]*

DATE: 4/9/02

DATE: 4/9/02

DATE: 4-9-02

**Summary:** This Preliminary Evaluation was opened on September 29, 2000, to investigate a sharp increase in complaints to ODI alleging tread separation, blowout, or other catastrophic failures of Firestone Steelax tires (Figure 1). The increase followed the August 2000 announcement of Firestone's decision to recall several million Radial ATX and Wilderness AT P235/75R15 size tires (ODI Investigation PE00-020, Recall No. 00T-005). When the investigation was opened, ODI was aware of 169 owner complaints alleging various types of tire failure. These complaints included allegations of 8 crashes, 12 injuries, and 2 fatalities. The two fatalities were later found to be duplicate records of the same event. Complaints, crashes, and injuries tabulated in the opening resume that did not involve tread separation are no longer counted in this report.

*continued*

\* May contain duplicate records for incidents reported to both ODI and Firestone.

\*\* Duplicate records removed.

*Handwritten:* Mark 4/10/02

*Handwritten:* 886

The subject Steeltex tires are designed for light truck applications and are manufactured in 12 different sizes, 3 different tire lines (Steeltex R4S, Steeltex R4S II, and Steeltex A/T), and 3 different load ranges ("C", "D", and "E"). Load Range "E" (LRE) tires have the highest weight-carrying capacity of all light truck tires and are used primarily on large sport utility vehicles (SUV's) and 3/4 and 1 Ton (2500 and 3500 series) light trucks and vans.

While approximately two-thirds of the subject tires produced by Firestone are LRE tires, these tires account for over 90 percent of the property damage, personal injury, and lawsuit claims to Firestone (Firestone claims data). This disproportionate failure experience in the highest load-rated tires is consistent with information received by ODI from other tire manufacturers. The LRE tires are the tires most prone to be subjected to overload conditions, particularly when they are used on vehicles built on incomplete chassis, such as motorhomes and special use utility vehicles. Table 1 shows the claims frequencies by load range and production year for the subject tires. It should be noted that, while the Steeltex LRE failure frequencies are relatively high when compared with the other Steeltex tires, these figures are low when compared with some competitor tires of the same load rating.

Production Year	Load Range "C"	Load Range "D"	Load Range "E"	Total
1991	0.0	7.9	26.7	20.3
1992	0.0	8.4	32.2	23.1
1993	10.9	4.1	48.1	30.1
1994	10.6	12.8	74.8	40.3
1995	13.4	11.4	112.5	64.5
1996	11.0	20.3	86.8	58.2
1997	6.1	2.4	57.8	36.6
1998	2.2	3.4	31.6	36.2
1999	5.0	6.4	15.4	13.2
2000	0.0	0.0	0.5	0.4
2001	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>7.7</b>	<b>7.6</b>	<b>38.2</b>	<b>28.2</b>

Claims of tread separation are not necessarily evidence of a tire defect. Tread separations can also result from external factors, such as tire injury or poor maintenance (e.g., low inflation pressure). Many of the vehicles that use the subject tires have different recommended inflation pressures for the front and rear axles (e.g., 50 psi front; 80 psi rear). For such vehicles, if the tire pressures are not adjusted following tire rotation, the rear axle could be under-inflated by almost 40 percent. Both the subject and competitor LRE tires are disproportionately affected by such use factors in comparison to P-metric and other LT-metric tires. Firestone's examination of tires from crashed vehicles found evidence of impact damage, run flat failures, and other tire injuries that can contribute to the potential for a tread separation failure. Tread separations that result from design factors will show time dependent failure distributions with progressively greater failure risks as the tires age. ODI is not aware of any specific design or manufacturing defect conditions, either alleged or verified, in any of the subject tires of this investigation.

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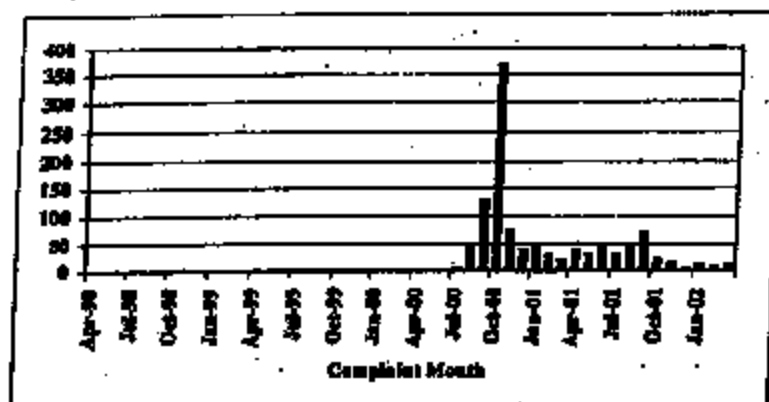
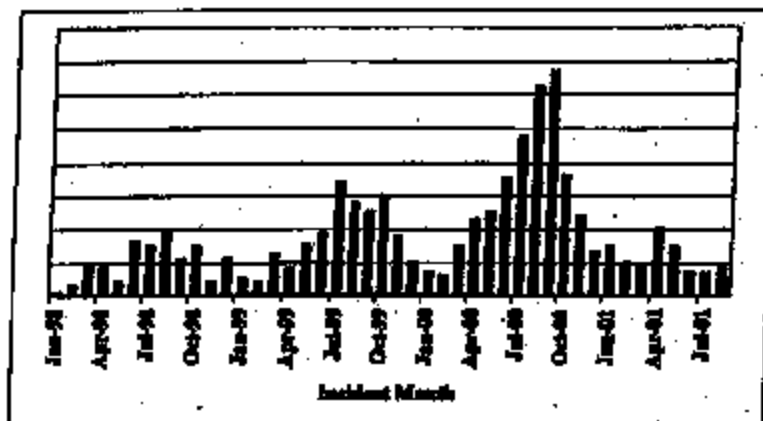


Figure 1. ODI Steeltex Complaints by Report Month.

Figures 1 and 2 show the trends of the ODI and Firestone failure data over the last 4 years. Figure 1 shows the sharp increase in alleged tread separation failures involving subject tires that were reported to ODI in August 2000, with monthly input peaking two months later at over 360 complaints.<sup>1</sup> Firestone tread separation claims for the subject tires are plotted by incident month in Figure 2. The trend shows the typical seasonal pattern for tire failures in general, with notable increases each year until 2001.



Tables 2 and 3 show the distribution of non-rollover crashes by vehicle group for all tire failure modes and for tread separation only. These crash events are much less severe than those that result in rollover. None of the non-rollover crashes resulted in a fatality, and only 20 percent alleged any injury.

Vehicle Group	Total	Non-fatal Injury Crashes	Fatal Crashes	Injuries	Fatalities
Van	8	0	0	0	0
SUV	5	1	0	1	0
Pickup	27	6	0	7	0
Utility	4	2	0	3	0
Unknown	6	1	0	1	0
<b>TOTAL</b>	<b>50</b>	<b>10</b>	<b>0</b>	<b>12</b>	<b>0</b>

Vehicle Group	Total	Non-fatal Injury Crashes	Fatal Crashes	Injuries	Fatalities
Van	3	0	0	0	0
SUV	1	0	0	0	0
Pickup	7	3	0	4	0
Utility	3	1	0	2	0
Unknown	4	0	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>4</b>	<b>0</b>	<b>6</b>	<b>0</b>

Tables 4 and 5 show the distribution of rollover crashes by vehicle group for all tire failure modes and for tread separation only. These are the most severe crashes, accounting for all of the known fatal crashes and most of the injuries. Allegations of tread separation account for a higher portion of these crashes and related injuries. This may be attributed to the fact that tread separations occur at high speeds, where vehicle stability is a greater concern and loss of control is more likely to result in rollover if the vehicle leaves the road.

As with prior ODI tire investigations, the crash data show that some classes of vehicles are more sensitive to loss of stability with catastrophic tire failures, particularly tread separations involving a rear tire. In this instance, full-size vans are disproportionately involved in the severe crashes. As has been previously noted in prior ODI tire investigations (PE90-025 Michelin LT225/75R16 Tread Separation/Blowout; PE00-046, Goodyear Load Range "E"), and other analytical work by NHTSA<sup>3</sup>, fully-loaded 15-passenger vans present a unique set of risks for loss of stability and roll-over, whether triggered by a tire failure or not. These vehicles

<sup>2</sup> From Firestone claims data.

<sup>3</sup> W. R. Garrott, B. Rhee, and R. Sahmanian, "The Rollover Propensity of Fifteen-Passenger Vans," NHTSA Research Note, April 2001.

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also present unique use factors for tires. They often have poor tire maintenance histories and, because the vehicles are often used sporadically, the tires may experience substantial aging before they are removed from service for tread wear. In July 2001, a model year 1989 Ford E350 15-passenger van experienced a double-fatality rollover crash after a rear-mounted Steeltex tire failure. The tire involved was manufactured in 1989. NHTSA continues to review appropriate measures to educate the public regarding safe tire maintenance and appropriate driving practices for 15-passenger vans.

**TABLE 4. Rollover Crash Distribution by Vehicle Group,  
All Tire Failure Modes<sup>2</sup>**

Vehicle Group	Total	Non-fatal Injury Crashes	Fatal Crashes	Injuries	Fatalities
Van <sup>4</sup>	10	3	4	25	6
SUV	6	5	1	13	1
Pickup	7	4	1	7	1
Utility	1	1	0	2	0
Unknown	1	1	0	1	0
<b>TOTAL</b>	<b>25</b>	<b>14</b>	<b>6</b>	<b>48</b>	<b>8</b>

**TABLE 5. Rollover Crash Distribution by Vehicle Group,  
Tread Separation Only<sup>2</sup>**

Vehicle Group	Total	Non-fatal Injury Crashes	Fatal Crashes	Injuries	Fatalities
Van <sup>4</sup>	5	1	4	20	6
SUV	2	1	1	4	1
Pickup	3	1	1	2	1
Utility	1	1	0	2	0
Unknown	1	1	0	1	0
<b>TOTAL</b>	<b>12</b>	<b>5</b>	<b>6</b>	<b>29</b>	<b>8</b>

Based on the relatively low failure frequencies of the subject tires and the variety of non-tire related causal factors contributing to these events, ODI finds that the evidence does not support a defect finding for the subject tires. Accordingly, this investigation is closed. The closing of this investigation does not constitute a finding by NHTSA that no safety-related defect exists. The agency will take further action if warranted by the circumstances.

<sup>4</sup> A single rollover crash involving a 1992 Ford E350 15-passenger van was responsible for 13 of the claimed injuries and 2 of the claimed fatalities covered in the Failure Report Summary on Page 1 and in Tables 4 and 5.

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U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

## ODI RESUME

Investigation: DP 02-011  
 Prompted By: ROGER LITTELL AND LOU ANN PLEASANT  
 Date Opened: 11/26/2002 Date Closed: 06/16/2003  
 Principal Investigator: GREG MAGNO  
 Subject: TIRE FAILURE

Manufacturer: FIRESTONE TIRE & RUBBER CO.  
 Products: 1990-2002 STEBLTEX R4S, R4SH, AND A/T TIRES  
 Population: 39000000

Problem Description: ALLEGED TIRE FAILURE.

### FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	1163	CONFIDENTIAL	CONFIDENTIAL
Crashes/Fires:	25	85	114
Injury Incidents:	24	38	54
# Injuries:	46	84	106
Fatality Incidents:	4	9	9
# Fatalities:	6	13	13
Other*:	701	0	701

\*Description of Other: ODI COMPLAINTS ALLEGING TREAD SEPARATION.

Action: THE PETITION TO REOPEN THE STEELTEX TIRE INVESTIGATION HAS BEEN DENIED.

Engineer: Gregory E. Magno

Date: 06/16/2003

Div. Chief: Jeffrey L. Quandt

Date: 06/16/2003

Office Dir.: Kathleen C. DeMeter

Date: 06/16/2003

Summary: ODI WAS PETITIONED TO REOPEN ITS INVESTIGATION OF TREAD SEPARATION IN FIRESTONE STEELTEX TIRES (PE00-040) ON THE BASIS THAT IT WAS CLOSED PREMATURELY; THAT EVIDENCE STRONGLY INDICATES THE PRESENCE OF A DEFECT TREND; AND THAT ALL STEELTEX TIRES CONTAIN A DEFECT THAT COULD LEAD TO TREAD SEPARATION WHILE DRIVING.

ODI'S ANALYSIS INDICATES THAT IT IS UNLIKELY THAT NHTSA WOULD ISSUE AN ORDER FOR THE NOTIFICATION AND REMEDY OF A SAFETY-RELATED DEFECT IN THE SUBJECT STEELTEX TIRES AT THE CONCLUSION OF THE INVESTIGATION REQUESTED IN THE PETITION. THE STATISTICS CONCERNING THE PERFORMANCE OF THESE TIRES HAVE CHANGED LITTLE SINCE THE CLOSING OF PE00-040 AND NO SPECIFIC DEFECT TREND HAS BEEN IDENTIFIED. FURTHER EXPENDITURE OF ODI RESOURCES ON THIS MATTER IS NOT JUSTIFIED AT THIS TIME. ODI WILL CONTINUE TO MONITOR THE PERFORMANCE OF THESE TIRES FOR ANY SIGNS THAT A DEFECT TREND MAY BE DEVELOPING.

**Class of air carriers not required to collect PFC's:** None.

**Brief description of projects approved for collection and use:** Acquire snow removal equipment.

**Decision date:** May 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Sandra E. DePottay, Minneapolis Airports District Office, (612) 713-4963.

**Public agency:** County of Montrose, Montrose, Colorado.

**Application number:** 03-02-C-00-MTJ.

**Application type:** Impose and use a PFC.

**PFC level:** \$4.50.

**Total PFC revenue approved in this decision:** \$821,894.

**Earliest charge effective date:** August 1, 2003.

**Estimated charge expiration date:** October 1, 2011.

**Class of air carriers not required to collect PFC's:** None.

**Brief description of projects approved for collection and use:**

Construct a portion of taxiway A.

Rehabilitate taxiway B and a portion of the general aviation apron.

Construct aircraft rescue and firefighting/snow removal equipment building.

Rehabilitate a portion of general aviation apron.

Rehabilitate a portion of general aviation apron and runway 13/31.

Extend runway 17 safety area.

**Decision date:** May 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Christopher Schaffer, Denver Airports District Office, (303) 342-1258.

#### AMENDMENTS TO PFC APPROVALS

Amendment number city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
01-02-C-01-SDF, Louisville, KY	03/18/03	\$18,398,940	\$15,878,940	08/01/98	04/01/18
99-03-C-03-DCA, Arlington, VA	03/27/03	46,823,287	53,846,780	11/01/03	02/01/04
93-01-C-04-DCA, Arlington, VA	04/22/03	188,739,068	188,410,358	04/01/02	04/01/02
00-04-C-01-TUL, Tulsa, OK	04/25/03	13,500,000	17,800,000	07/01/03	07/01/04
*87-04-C-02-LAX, Los Angeles, CA	04/28/03	440,000,000	700,000,000	01/01/04	12/01/05
*86-01-C-01-HIB, Hibbing, MN	04/29/03	338,289	338,289	10/01/04	06/01/08
98-02-C-02-IND, Indianapolis, IN	06/21/03	21,275,922	11,869,241	04/01/02	10/01/01

(NOTE: The amendments denoted by an asterisk (\*) include a change to the PFC level charged from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For Los Angeles, CA and Hibbing, MN, this change is effective on July 1, 2003.)

Issued in Washington, DC, on June 11, 2003.

Jahne Duran,

Acting Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 03-19297 Filed 6-16-03; 8:45 am]

BILLING CODE 4910-12-M

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

##### Denial of Tire Defect Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petition for a defect investigation.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, by Lisani & Lisani, Attorneys at Law, and the Law Offices of Steven E. Weinberger, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety in Firestone Steeltex light truck radial tires. After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issue raised by the petition does not appear warranted. The agency accordingly has denied the petition. The

petition is hereinafter identified as DP02-011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory Magno, Safety Defects Engineer, Vehicle Control Division, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-0139.

##### SUPPLEMENTARY INFORMATION:

##### Petition Analysis—DP02-011

##### Introduction

On September 29, 2000, the Office of Defects Investigation (ODI) initiated a Preliminary Evaluation (PE00-040) of Firestone Steeltex tires manufactured by Bridgestone/Firestone, Inc. (Firestone), based on 189 Vehicle Owners Questionnaires (VOQ), 167 of which were received in August and September of 2000.<sup>1</sup> Eight crashes involving twelve injuries and two deaths related to separation of the tread and top belt from the tire carcass (tread separation) were alleged at that time. Under investigation in that PE were all Firestone Steeltex Radial R4S, R4S II, and A/T tires manufactured since 1990.

ODI closed PE00-040 on April 9, 2002, based upon low failure rates, noting that Steeltex tire lines are used in very severe tire applications (e.g., motorhomes, commercial trucks, full-

sized passenger vans, sport-utility vehicles, and pickup trucks). At the time ODI closed the investigation, it was aware of 872 relevant VOQs and 89 vehicle crashes, 24 of which involved an injury or death. These resulted in eight deaths and 40 injuries.

Subsequent to the closing of PE00-040, the Petitioners requested that the National Highway Traffic Safety Administration (NHTSA) reopen its Steeltex tire investigation.<sup>2</sup> According to the Petitioners, a reopening was warranted based on an overwhelming number of complaints that had been filed on the subject tires. ODI initiated a technical review (DP02-011) of the petition in accordance with 49 CFR part 552 on November 28, 2002. To support this review, ODI requested that the Petitioners furnish additional documentation to substantiate their allegations. Since that time, the

<sup>1</sup> Specifically, on November 15, 2002, ODI received a document entitled "A Petition to The National Highway Traffic Safety Administration . . . Subject: Investigation of Defects Present in Bridgestone/Firestone Steeltex tires (models R4S, R4SII, A/T)" (Petition). After reviewing this document, ODI construed it as a request to reopen PE00-040. The Petition was co-submitted by Lisani & Lisani, Attorneys at Law and the Law Offices of Steven E. Weinberger, both in Pasadena, CA (Petitioners). The Petitioners represent plaintiffs Roger Littell, Lonana Pleasant, and all others similarly situated in a class action lawsuit against Bridgestone/Firestone, filed on August 13, 2002, in the Superior Court of California for Riverside County.

<sup>2</sup> References to VOQs herein include all consumer complaints registered in the ODI complaint database.

Petitioners have supplied ODI with 44 separate submissions numbering over 6,000 pages, the most recent of which arrived on June 5, 2003.

The subject *Steelex* tires are large light truck radials that are produced as both original equipment and replacement tires. *Firestone* produced approximately 30 million of these tires in three different lines (*R4S*, *R4S II*, and *A/T*), 12 different sizes, and 8 different load ranges. Most of the subject tires are in the highest load range for light vehicles ( $\leq 10,000$  lb Gross Vehicle Weight Rating) Load Range E (LRE). The original equipment tires have been used on Ford and General Motors vehicles, as well as by a wide range of motorhome manufacturers.

In general, light truck radial tires are constructed with thicker gauges of rubber and heavier steel belts and are designed to hold significantly greater inflation pressures than passenger tires. These tires are more sensitive to impact damage and to variations in speed, load, and inflation pressure than passenger tires.

After reviewing information submitted in support of the Petition and analyzing additional complaint and claims information obtained from *Firestone*, ODI has decided to deny the request to reopen the *Steelex* investigation. This decision is based on the fact that an enormous population of tires is at issue whose failure rate is lower than that of peer tires used in similar applications and has changed little since *PE00-040* was closed. ODI has not identified a defect trend in any of the tires in question.

#### *Petitioners' Allegations*

The Petitioners have made numerous allegations in 44 separate submissions including over 6,000 pages of materials. These allegations include:

1. That there were 2,972 VOQs in ODI's database (as accessed via the NHTSA public Web site) as of November 2002, most of which existed when ODI closed *PE00-040* but were not considered during the investigation;
2. That additional complaints gathered by the Petitioners strongly suggest a safety defect trend; and
3. That all *Steelex* tires contain a safety-related defect that could lead to a catastrophic tread separation.

#### *ODI Analysis of Petitioners' Allegations*

##### *First Allegation: VOQs in NHTSA's Web site Not Noted in Closing of PE00-040*

The Petitioners allege that they identified 2,972 VOQs on the subject tires on NHTSA's Web site in October 2002. They further allege that most of

these VOQs existed at the time that *PE00-040* was closed. More recently, they have been quoted in the media as claiming that as of May 2003, the NHTSA Web site contained 4,000 records concerning "Steelex-related accidents."<sup>3</sup>

The Petitioners provided hard copy summaries of the 2,972 VOQs they identified. A review of these VOQs, however, demonstrates that a majority are duplicate records. In addition, a significant number do not involve the *Steelex* tires at issue. For instance, the Petitioners included VOQs that pertain to tires such as *Firestone* 721 tires and *Steelex* ASR tires last produced in 1992, as well as VOQs reporting issues unrelated to tread separation, such as wear and vibration. Also included in their submissions were VOQs that do not pertain to tires at all (e.g., complaints about vehicle stalling and brake malfunction).

ODI has conducted a thorough review of its complaint database to assess the Petitioners' claims. This review found that as of April 2002, when *PE00-040* was closed, the database contained 830 VOQs related to a *Steelex* tire failure. These include complaints about tires that were properly identified as *Steelex* models or contained the word "Steelex," or all reasonable misspellings of the word, in the complaint description field. About 80% of these (660) cited tread separations. The numbers of VOQs alleging crashes, injuries, and deaths from tread separation failures are consistent with those reported in *PE00-040*.

Furthermore, ODI's review determined that as of November 2002, when the petition was submitted, the database contained 1,118 unique VOQs relating to *Steelex* tire failures, less than 40% of the total asserted by the Petitioner. Of these, 872 alleged tread separations. Finally, as of May 2003, the ODI database contained 1,163 unique VOQs relating to *Steelex* tire failures, 701 of which allege tread separation. These include 24 injury crashes for all tire failure modes, resulting in a total of six (6) deaths and 46 injuries. Tread separation was alleged as the failure mode in 14 of these crashes, which were responsible for all of the deaths and 30 of the injuries.

In summary, the Petitioners overstated the number of relevant VOQs received by ODI when *PE00-040* was closed, when the petition was submitted, and in May 2003. Many of these discrepancies are apparently due to the Petitioners' inclusion of duplicate

complaints, complaints that do not involve the tires at issue, and complaints that do not allege a tire failure.

##### *Second Allegation: The Number of VOQs and the Number of Additional Complaints Establishes a Safety Defect Trend*

The Petitioners characterize the VOQs in the ODI database and a purported 7,000 additional complaints that they have collected as evidence of a safety defect trend. This material has been furnished to ODI in 44 different submissions throughout the petition analysis period. Their submissions contain a mixture of consumer complaints, subrogation claims, police accident reports, and court filings.

The Petitioners have attributed most of their purported 7,000 complaints to certain unidentified insurance companies in the United States who have added their policyholders to the Petitioners' class action lawsuit. However, the Petitioners have stated that the majority of these remain anonymous, and therefore have not furnished details concerning these allegations to ODI. Instead, they furnished an Internet listing of 1,150 insurance companies. In view of the incomplete nature of this information, we have been unable to evaluate these complaints. Subsequently, the Petitioners submitted some insurance claim information from companies that have responded to their solicitations. In the cases reviewed by ODI, the events described are those in which the companies chose not to pursue a subrogation claim against *Firestone*. In one case, a submitted claim pertained to a non-subject *Firehawk* R4S tire.

Of those reports and complaints that ODI was able to examine, many were merely completed copies of the Petitioner's Class Action Initial Claim forms. Other "complaints" consist of excerpts from Internet chat room discussions and what appear to be handwritten notes of names and telephone numbers. In addition, the content of many of the "complaints" was of questionable value, and included complaints concerning dissatisfaction over the wear or ride of the subject tires and complaints pertaining to tires not at issue. Of note, many of these complaints originated from consumers whose claims for reimbursement had been denied by *Firestone*. After excluding VOQ summaries and duplicate records, ODI was able to identify 560 complaints. These included 181 complaints alleging a *Steelex* tire failure, of which 99 alleged a tread separation.

<sup>3</sup> *Rubber & Plastics News, Lawyer: Document Shows BFS Sclamped on Steelex, May 12, 2003.*

ODI has monitored its VOQ database since the closing of PE00-040. This review has shown that over time, the monthly rate of Steeltex VOQs received by ODI has continually declined since the initial three-month peak that led to the opening of PE00-040. We note that the Petitioners have consistently overstated the contents of the ODI database by applying over-broad search criteria and then failing to properly identify relevant VOQs.

In order to obtain more relevant data, ODI contacted Firestone for its claims data, which it provided irrespective of whether the claim was paid. Firestone also provided warranty, personal injury, and lawsuit data through the end of 2002. ODI's analysis of this data is described in the Firestone Data section of this report.

#### Third Allegation: All Steeltex Tires Are Defective

The Petitioners allege that all of the subject Steeltex tires contain a safety-related defect. As evidence of this they have cited expert examination of some failed tires, information from an anonymous source regarding a Firestone cost reduction program, and alleged similarities between the Steeltex tires and the Wilderness AT tires, some of which were previously recalled by Firestone.

One of the Petitioners' consultants examined failed tires from a model year 1999 Class C motorhome belonging to the lead plaintiff in the class action lawsuit. This vehicle experienced tread separations on four of its six original tires over a one-year period. All were Steeltex R4S LT285/75R16 E tires manufactured at Firestone's Decatur, Illinois plant in 1998. The consultant identified the presence of brassy cords in the steel belts of the failed tires as evidence that they were improperly manufactured. The Petitioners provided a dissected exemplar tire from the same vehicle for ODI's examination, citing evidence of brassy cords and belt edge separation.

ODI did observe some evidence of brassy cords and localized belt edge separation in the tire presented by the Petitioners. However, ODI notes that some degree of brassy cords is not necessarily evidence of a rubber-wire adhesion defect. Moreover, the presence of moderate belt edge separation is not unusual in a steel belted radial tire that has been removed from service, and must be evaluated in the context of the tire use conditions and remaining tread. It is noteworthy that ODI's extensive investigation of the Firestone ATX and Wilderness AT tires did not find any evidence of a rubber-wire adhesion

defect in those tires. The failure mechanism in the ATX and Wilderness AT tires was a cohesive failure (fatigue crack growth) through the rubber between the steel belts.<sup>4</sup>

In a letter dated April 28, 2003, the Petitioners submitted a copy of an anonymous letter to ODI with documents attached relating to a Firestone cost reduction initiative known as C95 that was launched in 1994 or 1995. The letter states that the intent of C95 was to obtain cost reductions without sacrificing performance and quality but that over time a negative effect on quality became evident in the warranty data. According to the letter, warranty rates of 0.5% or higher in individual tires (by factory and product code) should be cause for serious concern.

ODI has reviewed the anonymous letter and attached C95 documents submitted by the Petitioners. The second attachment is a 17-page document listing a number of changes to consider for corporate-wide implementation. The document does not relate specifically to the Steeltex tires. Firestone has stated that most of the items on the list were never implemented. While the changes that were considered include some items that could affect tire durability, the document is not in and of itself proof of a tire defect. The effect of the changes that were implemented in the Steeltex tires can ultimately be measured only by failure-related data. To that extent, ODI agrees with the author of the anonymous letter that such an analysis must be done separately on specific products and assembly plants. The only data that allow that type of analysis are the Firestone adjustments and claims.

ODI's analysis of Firestone's tread separation warranty adjustment data found that collectively the Steeltex tire tread separation adjustment rate is 0.04%. ODI also analyzed over 250 different combinations of individual tire product codes, plants, and production years and identified only one population of tires with a tread separation adjustment rate greater than 0.5%—the level of concern advanced in the anonymous letter.<sup>5</sup> The adjustment rate for this tire was 0.56% for tires produced in 1993, fell to 0.09% in 1994, and remained below 0.1% through 2002 production. The majority of subject

<sup>4</sup> More specifics concerning the tread separations examined in that investigation may be found in the RA00-023 Initial Determination Report.

<sup>5</sup> Tires with annual production volumes less than 10,000 tires were not included in this analysis because of the lack of statistical significance in the data and the absence of any injury crashes involving such tires.

Steeltex tires analyzed by ODI have tread separation adjustment rates that are less than 0.1%. Only a few tires have rates that are above 0.25%—half of the 0.5% figure mentioned above.

The Petitioners have alleged to ODI that the subject Steeltex tires are similar in construction and failure mechanism to the Wilderness AT tires investigated by ODI in RA00-023. The Petitioners have not identified any specific aspects of the designs that are similar. Moreover, the Wilderness AT tires are passenger tires designed for light-duty passenger car/truck operation, whereas the subject Steeltex light truck radial tires are designed for the greater rigors of use on heavier pickup trucks, SUVs, and vans. As noted above, there was no evidence of rubber-wire adhesion failures in the Wilderness AT tires that were recalled. Furthermore, ODI notes that belt-leaving belt tread separations may occur in any steel-belted radial tire and that the available data indicate that the risk of such failures is greater in light truck radial tires than in passenger tires.

#### Firestone Data

ODI reviewed thousands of Firestone property damage claims and found that between the closing of PE00-040 and the present, the subject tire tread separation claim rate grew from 28 to 31 claims per million tires produced (ppm).<sup>6</sup> Steeltex LRE claim rates for tread separation grew from 36 to 40 ppm. The four largest LRE tire sizes are associated with the majority of the property damage claims and 85% (28/33) of crashes involving injuries or deaths where the tire size could be identified.

With one exception, all crashes involving an injury fall within the 1987-1999 production years of this group of LRE tires.<sup>7</sup> Three tire populations within this group are associated with all fatal crashes occurring in the last five years: The R4S II LT245/73R16 E manufactured in Cuernavaca, Mexico and the A/T LT285/75R16 E and A/T LT285/75R16 D, both manufactured in Joliet, Quebec. However, a close examination of the frequencies and trends of the adjustment and claims data for these populations do not show evidence of

<sup>6</sup> This figure is based on paid claims. Firestone furnished records of both paid and unpaid claims to ODI. Claims are not paid if the tire cannot be identified, was repaired improperly, shows obvious signs of abuse (e.g. run underinflated, impact break), or were found to be misapplied.

<sup>7</sup> A Decatur Steeltex Radial R4S LT285/75R16 E tire manufactured in 1993 was involved in a March 1996 fatal rollover of a large passenger van. Closer examination of this tire population showed no sign of a defect trend.

defect trends. The adjustment and claims rates are low in comparison to peer tires, and the incidence of injury crashes do not reflect a trend for any specific tire.

ODI analyzed all available data relating to the Decatur Steeltex R4S LT225/75R16 E tire installed on the lead plaintiff's motorhome. These tires were manufactured from 1995-1999 and were used as original equipment on some Ford full-size pick-up trucks and vans and sold as replacement tires. The tires were also frequently installed on Class C motorhomes on which overloading of an axle or specific wheel position is not unusual, which can contribute to tire failures. The warranty rates for these tires have been less than 0.1% from 1997 through 1999, and were never greater than 0.3%. There have been only two injury crashes associated with tread separations in these tires, both involving full-sized vans, and no fatalities.

As noted in PE00-040, the adjustment and claims tread separation rates for the subject tires are lower than those observed in peer LRE tires. This is true of the total population of subject tires, as well as individual tires analyzed by product code and assembly plant.

#### Discussion

The subject Steeltex tires, as defined in the Petition, represent an immense population of 39 million tires, manufactured over twelve years, and a wide variety of different tire line, size, load range, and plant combinations. The numbers of tread separation failures in those tires are functions of the large volume produced and the more severe service conditions associated with light truck radial tires, especially in the LRE category. Within this universe of experience, ODI identified a total of 54 crashes involving injury, resulting in 106 injuries and 13 deaths. Tread separation was alleged as the failure mode in 41 of these crashes, which were responsible for all of the deaths and 90 of the injuries.

These failures are distributed among a variety of different tires and assembly plants. About half of these incidents involve tires manufactured at the Joliette assembly plant, which is consistent with the number of subject tires produced there. Firestone's examination of some of the tires involved in these events has identified evidence of under-inflation, impact break, shoulder damage, un-repaired punctures, and improper repair. In addition, some of the tires that were sold as replacement tires were misapplied. While ODI has not been able to independently examine these tires, we note that the facts related to the

causes of many of these events are in dispute.

ODI has monitored its VOQ database since it closed PE00-040, to identify Steeltex complaints and any related injury reports. In general, ODI has seen a continued decline in the rate of complaints received since October 2000, despite the publicity related to the Petition and associated class action lawsuit.

To better analyze specific tire lines of interest, ODI examined property damage claim and warranty adjustment data furnished by Firestone. These data are both the largest bodies of failure data and the only data available that contain the specific tire identification information necessary to conduct detailed analyses by tire line and assembly plant. The overall Steeltex claims rate rose from 28 to 31 ppm between the closing of PE00-040 and the present, while the overall adjustment rate remained constant at 0.04%. Some individual tire populations had higher rates of adjustments and claims; however, none were as high as those of the competitor LRE tires examined by ODI.

ODI examined the material submitted by the Petitioners in an effort to identify tire failures and crashes involving injury that could indicate the presence of a safety-related defect trend. Within this material, there were reports of 115 additional tire failures beyond those considered in PE00-040. These included three injury crashes, which led to four (4) injuries. Therefore, the fundamental statistics concerning the performance of the subject tires have changed little since PE00-040 was closed.

#### Conclusion

Based on ODI's analysis of information submitted in support of the Petition and additional complaint and claims information received since the closing of PE00-040, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject Steeltex tires at the conclusion of the investigation requested in the Petition. The statistics concerning the performance of these tires have changed little since the closing of PE00-040 and no specific defect trend has been identified. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, ODI has decided to deny the petition to reopen the Steeltex investigation. ODI will continue to monitor the performance of these tires for any signs that a defect trend may be developing.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: June 11, 2003.

Kenneth N. Weinstein,  
Associate Administrator for Enforcement,  
[FR Doc. 03-15191 Filed 6-16-03; 8:45 am]  
BILLING CODE 4910-02-P

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket No. RSPA-2003-14307 (Notice No. 03-3)]

### Notice of Information Collection Approval

AGENCY: Research and Special Programs Administration (RSPA), DOT.  
ACTION: Notice of information collection approval.

**SUMMARY:** This notice announces Office of Management and Budget approval of information collection requests (ICRs), for OMB No. 2137-0559, "Rail Carriers and Tank Car Tank Requirements"; and OMB No. 2137-0051, "Rulemaking, Exemption, and Preemption Requirements." These information collections have been extended until May 31, 2006.

**DATES:** The expiration date for these ICRs is May 31, 2006.

**ADDRESSES:** Requests for a copy of an information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW., Washington, DC 20590-0001.

**FOR FURTHER INFORMATION CONTACT:** Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, Room 8102, 400 Seventh Street, SW., Washington, DC 20590-0001, Telephone (202) 366-8563.

**SUPPLEMENTARY INFORMATION:** Office of Management and Budget (OMB) regulations (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (P.L. 104-13) require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(a)) and specify that no person is required to respond to an information collection unless it displays a valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, RSPA has received OMB approval of the following ICRs:



U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

## ODI RESUME

Investigation: DP04-004  
Prompted By: Petition By Lisoni & Lisoni  
Date Opened: 05/26/2004  
Principal Investigator: Greg Magno  
Subject: Tire Tread Separations

Date Closed: 09/28/2004

Manufacturer: Bridgestone/Firestone North America Tires  
Products: Firestone Steeltex A/T, R4S, & R4SII Tires  
Population: 40,000,000 (Estimated)

Problem Description: Tread Separations

### FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	908	CONFIDENTIAL	CONFIDENTIAL
Crashes/Fires:	34	244	273
Injury Incidents:	28	79	103
# Injuries:	51	171	217
Fatality Incidents:	4	12	12
# Fatalities:	6	19	19
Other*:	543	CONFIDENTIAL	CONFIDENTIAL

\*Description of Other: additional ODI reports indicating Steeltex tire failure

Action: The petition to reopen the Steeltex tire investigation has been denied.

Engineer: Gregory E. Magno *6/EM 9/28/04*  
Div. Chief: Jeffrey L. Oyandt  
Office Dir.: Kathleen C. DeMeter

Date: 09/28/2004  
Date: 09/28/2004  
Date: 09/28/2004

Note: The numbers above exclude tires subject to Recall 04T-003.

Summary: ODI was petitioned to reopen its investigation of tread separations in Firestone Steeltex tires on the basis that they contain defects that contribute to belt-leaving-belt tread separations and that these separations pose an unreasonable safety risk. This petition restates allegations from DP02-011 and was submitted concurrently with DP04-005, which applies to Steeltex tires used on ambulances and emergency response vehicles.

ODI's analysis indicates that it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject Steeltex tires at the conclusion of the investigation requested in the petition. ODI's analysis of failure data indicates that Steeltex tires perform comparably to peer light truck radial tires in similar applications. Analysis of failed Steeltex tires during this review identified a wide variety of failure conditions not indicative of a singular underlying cause. Observed failure characteristics were found to be consistent with those found in any group of light truck radial tires subject to the same applications. Therefore, no defect trend has been identified in the subject tires. Further expenditure of ODI's resources on this matter is not justified at this time. ODI will continue to monitor the performance of these tires for any signs that a defect trend may be developing.

Please see the DP04-004 public file for a more detailed analysis.

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U.S. Department  
of Transportation  
**National Highway  
Traffic Safety  
Administration**

## ODI RESUME

Investigation: DP04-005  
Prompted By: Petition By Lisoni & Lisoni  
Date Opened: 05/26/2004  
Principal Investigator: Greg Magno  
Subject: Ambulance Tire Tread Separations

Date Closed: 09/28/2004

Manufacturer: Bridgestone/Firestone North America Tires  
Products: Firestone Steeltex A/T, R4S, & R4SII Tires  
Population: 300,000

Problem Description: Ambulance Tire Tread Separations

### FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	14	6	19
Crashes/Fires:	0	2	2
Injury Incidents:	0	2	2
# Injuries:	0	2	2
Fatality Incidents:	0	1	1
# Fatalities:	0	1	1
Other*:	8	2	10

\*Description of Other: Additional ODI reports indicating Steeltex tire failure

Action: The petition to investigate Steeltex tire failures on ambulances has been denied.

Engineer: Gregory E. Magno 6/5/04  
Div. Chief: Jeffrey L. Quandt  
Office Dir.: Kathleen C. DeMeter

Date: 09/28/2004

Date: 09/28/2004

Date: 09/28/2004

Summary: ODI was petitioned to reopen its investigation of tread separations in Firestone Steeltex tires, particularly those used on ambulances, on the basis that these tires contain defects that contribute to high rates of tread separations, and that these tread separations pose an unreasonable safety risk to ambulance operators and their patients while driving. This petition was submitted concurrently with DP04-004, which applies to all Steeltex tires manufactured since 1995.

ODI's analysis indicates that it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject Steeltex tires at the conclusion of the investigation requested in the petition. ODI did not identify signs of a defect trend in Steeltex tires used on ambulances. Further expenditure of ODI's resources on this matter is not justified at this time. ODI will continue to monitor the performance of these tires for any signs that a defect trend may be developing.

Please see the DP04-005 public file for a more detailed analysis.

Fixed  
9/29/04  
GEM

vehicle or equipment, and its date of manufacture.

**Estimated Annual Burden:** For part 565 and part 567, NHTSA estimates the vehicle manufacturers will incur a total annual hour burden of 388,760 and cost burden of \$5,053,750. For Part 541, NHTSA estimates the vehicle manufacturers will incur a total annual hour burden of 607,878 and cost burden of \$75.58 million.

**Number of Respondents:** 1,000.

**Comments are invited on:** whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: September 23, 2004.

Stephen E. Kratska,  
Associate Administrator for Rulemaking,  
[FR Doc. 04-21831 Filed 9-28-04; 8:45 am]  
BILLING CODE 4910-02-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2004-18643]

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on an extension of a currently approved collection.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval. **DATES:** Comments must be received on or before November 29, 2004.

**ADDRESSES:** Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590 by any of the following methods.

• Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

• Agency Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the Docket Management System.

• Fax: (202) 493-2251.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Carlita Ballard, NHTSA 400 Seventh Street, SW., Room 5320, NVS-131, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-0846. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the Federal Register providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

**Title:** Petitions for Exemption from the Vehicle Theft Prevention Standard (49 CFR 543).

**OMB Control Number:** 2127-0542.

**Affected Public:** Business or other for-profit.

**Form Number:** This collection of information uses no standard forms.

**Abstract:** 49 U.S.C. Chapter 331 requires the Secretary of Transportation to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. 49 U.S.C. section 33106 provides for an exemption to this identification process by petitions from manufacturers who equip covered vehicles with standard original equipment antitheft devices, which the Secretary determines are likely to be as effective in reducing or deterring theft as the identification system. Section 543.5 is revised for each model year after model year 1998 a manufacturer may petition NHTSA to grant an exemption for one additional line of its passenger motor vehicles from the requirements of part 541 of this chapter.

In a final rule published on April 8, 2004, the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 8,000 pounds or less, and to light duty trucks with major parts that are interchangeable with a majority of the covered major parts of multipurpose passenger vehicles. The final rule becomes effective September 1, 2008.

**Estimated Annual Burden:** 87 hours.  
**Number of Respondents:** 8.

Issued on: September 23, 2004.

Stephen E. Kratska,  
Associate Administrator for Rulemaking,  
[FR Doc. 04-21832 Filed 9-28-04; 8:45 am]  
BILLING CODE 4910-02-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Recall Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of petitions for an investigation into alleged defects in Firestone Stealtex tires.

**SUMMARY:** This notice sets forth the reasons for the denial of two petitions submitted to NHTSA under 49 U.S.C. 30162 by the Law Offices of Lisoni &

Lisoni of Pasadena, California, requesting that the agency commence a defect investigation of alleged defects in all Firestone Steeltex tires manufactured since 1995 and in those Steeltex tires installed on ambulances. After a review of the petitions and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petitions does not appear warranted. The agency accordingly has denied the petitions. The petitions are hereinafter identified as DP04-004 (All Steeltex tires) and DP04-005 (Steeltex tires on ambulances).

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory Magno, Safety Defects Engineer, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-0139.

**SUPPLEMENTARY INFORMATION:**

**Petition Review—DP04-004 and DP04-005**

**1.0 Introduction**

On May 12, 2004 the Law Offices of Lianni & Lisoni (petitioners) submitted two petitions requesting that the Office of Defects Investigation (ODI) commence an investigation of Firestone Steeltex tires pursuant to 49 U.S.C. 30182, and issue a recall order pursuant to 49 U.S.C. Sections 30118(b), 30119, and 30120. One petition pertains to all Steeltex tires manufactured since 1995 (DP04-004), and the other pertains to Steeltex tires on ambulances (DP04-005). ODI began a technical review of DP04-004 and -005 on May 26, 2004 in accordance with the provisions of 49 U.S.C. 30182. During the review, ODI:

- Analyzed data within its own vehicle owners questionnaire (VOQ) database;
- Analyzed early warning reporting (EWR) data submitted by all tire manufacturers since December 2003;
- Examined a total of 190 Steeltex tires, 21 of which had been installed on ambulances;
- Hired an independent expert to examine 69 failed Steeltex tires held by Bridgestone-Firestone North American Tires (Firestone) at a storage facility in Marengo, Indiana;<sup>1</sup>
- Requested and analyzed data pertaining to Steeltex tire performance from Firestone;
- Analyzed the petition contents and additional data requested from the petitioners;
- Witnessed and interviewed the petitioners' consultants during their

examination of failed Steeltex tires at Firestone's Akron, Ohio technical center;

- Collected ambulance-specific data from the Ford Motor Company (Ford), primary manufacturer of ambulance platforms equipped with light truck radial tires over the last ten years;
- Interviewed 30 of the ambulance operators cited in the petitions; and
- Interviewed a local ambulance fleet operator not cited in the petitions to better understand approaches to ambulance tire usage and maintenance.

Based on this technical review, ODI has concluded that the petitions should be denied.

**2.0 Background**

Steeltex is a model name applied to the majority of light truck radial tires sold by Firestone since 1990. Over this time period, Firestone has manufactured in excess of forty million Steeltex tires in three load ranges (C, D, and E), two types (all terrain (A/T) and all season (RAS, superseded by the RASII)), and twelve sizes at five plants. Steeltex tires have been the primary original equipment (OE) tire on many of the largest passenger vans, sport utility vehicles (SUV), pickup trucks, and "cutaways" (including motor homes (RV) and ambulances) sold in that time period. Almost three quarters of Steeltex tires produced are Load Range E (LRE) tires that may be inflated up to 80 psi and can carry between 2,500 lb and 3,400 lb per tire. More than half of Steeltex tires are concentrated in three sizes: LT225/75R18, LT245/75R16, and LT285/75R18.

Steeltex tires are light truck radial (LTR) tires comprised of two polyester body plies and two steel belts. Within this population of Steeltex tires there exist a variety of designs that include obvious differences such as tread pattern, sidewall configuration, and tire size as well as differences in internal construction such as cord configuration, cord gauge, cord angle, and mold shape. LTR tires are distinguished from passenger radial (PSR) tires by having heavier cord gauges, thicker rubber plies, deeper tread depths, and substantially higher inflation pressures. These qualities enable them to carry heavier loads and resist chipping and tearing. However, these characteristics also increase their sensitivity to usage factors such as overload, underinflation, and overspeed. This is due chiefly to the heat generated by these factors and the lesser ability of thicker, heavier tires to dissipate this heat. Heat promotes a reduction in the material properties in all radial tires.

ODI initiated its first investigation (PE00-040) of Steeltex tires on September 9, 2000. PE00-040 was closed on April 9, 2002. The primary bases for the decision to close were the fact that the tires under investigation displayed failure rates comparable to those of LTR tires sold by other major manufacturers and that many of the failures reported were influenced by the usage factors cited above. ODI also noted that the vehicle type had the largest influence on the likelihood of a tire failure causing a vehicle crash.

ODI revisited the question of Steeltex tire failures during its technical review of a petition (DP02-011) from the Law Offices of Lianni & Lisoni in November of 2002. DP02-011 alleged that all Steeltex tires manufactured since 1990 were defective, that ODI had undercounted VOQs in its database, and that Firestone had deliberately understated its failure figures. ODI denied DP02-011 on June 18, 2003 on the basis that VOQ and Firestone figures had changed little since the closing of PE00-040 and that the petitions added relatively little new data for consideration.

The petitions under consideration here allege that all Steeltex tires manufactured since 1995 are defective and that Steeltex tires used on ambulances pose an unacceptable safety risk to Emergency Medical Service (EMS) operators. Among other things, the new petitions contain allegations that Firestone cost reduction efforts compromised Steeltex tire durability, and the petitioners' assessment from their examination of disabled Steeltex tires in Firestone's custody.

**3.0 DP04-004 Analysis (All Steeltex Tires Produced Since 1995)**

**3.1 VOQs Since the Denial of DP02-011**

During the fourteen months since the denial of DP02-011, ODI has received 294 Steeltex tire failure VOQs, approximately three-quarters of which reported tread separations.<sup>2</sup> Fourteen VOQs allege that the tire failure led to a crash, of which six involved injuries, with no deaths.

In terms of tire fitment, Class CRVs based on cutaway van chassis represent the largest share of VOQs received, with just under half of the Steeltex tire failures reported; however, none of these involved a crash or injury. RV

<sup>1</sup>This figure does not include letters mailed to ODI at the behest of on August 4, 2004 e-mail from the petitioners to their clients. To date, ODI is aware of 27 such letters, the majority of which describe tire failures that were reported in the petition, VOQ database, or Firestone's property damage claim database. All but one of these events occurred prior to 2004.

<sup>2</sup>A "failed" tire is a tire that experiences a major component (e.g. tread or casing) separation or other event including rapid air-loss while driving.

complaints largely involved the Ford E-series dual rear wheel platform using LT225/75R16 LRE Steeltex R4S tires.

Pickup trucks accounted for a third of the VOQs and half of the remaining crash reports while Ford Excursions equipped with tires subject to Recall 04T-003 accounted for a third of the crashes, and half of the injuries.<sup>3</sup>

Excluding tires subject to Recall 04T-003, the total known Steeltex failure VOQ count now stands at 1,451; of which 808 report tread separation. Thirty-four VOQs report vehicle crashes, of which 28 led to injuries or deaths. A total of 51 injuries and 8 deaths were reported.

### 3.2 EWR Data

ODI began receiving EWR data from all major tire manufacturers in December of 2003. This includes data on production, adjustments, property damage claims, and death and injury claims and notices. Scrutiny of these data earlier this year contributed to Recall 04T-003.

ODI's analysis has found that, in general, Steeltex tire property damage claim rates are very close to and in many cases below the LTR class average, with a number of major LTR tire manufacturers having higher claim rates. In all cases, for each size of Steeltex tires, two or more competitors experienced higher property damage claim rates.

ODI also reviewed the death and injury claim and notices (collectively, "claim") data and found that Steeltex tires were above the industry average for injury-only LTR tire claim rates but had some of the lowest fatal LTR tire claim rates. With respect to injury claims, two major LTR tire manufacturers experienced higher rates.<sup>4</sup>

### 3.3 Tire Analysis

To determine whether a pattern of failure modes or underlying causes existed in Steeltex tires, ODI hired Thomas M. Dodson, an expert in tire forensic analysis from a prominent tire and materials test lab,<sup>5</sup> to examine tires at Marengo. A total of 89 Steeltex tires were randomly selected from within

each of three tire sizes,<sup>6</sup> half of which had been examined by the petitioners.

According to the report issued by Mr. Dodson, while the failure modes observed at Marengo appeared similar at the macroscopic level, they were quite varied when viewed from a close-up perspective. The report also stated that the numerous different failure modes observed did not indicate the presence of a common or singular underlying cause of failure. Furthermore, the report also found that the types of conditions and/or appearances observed were consistent with the array of modes of failure typically seen in tires of comparable size and type. Usage factors such as road hazards, mounting damage, improper repairs, and overdeflection figured prominently in Mr. Dodson's observations.

The ODI engineer who participated in Mr. Dodson's examinations of tires at Marengo also witnessed the petitioners' examination of 74 Steeltex tires in Akron and observed many of the same contributory factors and conditions.

### 3.4 Firestone Data

ODI reviewed thousands of claims<sup>7</sup> received by Firestone over the last ten years. After filtering out tires subject to Recall 04T-003, misapplications, and the most obvious road hazards and flex failures,<sup>8</sup> all Steeltex tire sizes and lines show failure rates that are lower than those observed in peer LRE tires. The four largest LRE tire sizes continue to account for 85% of claims and all but one of the nonfatal injury crashes that occurred in 2002. Tires manufactured in 1999 account for the highest number of claims and of injury crashes.

ODI also examined Firestone's warranty adjustment data and found no signs of a defect trend overall, or in any specific tire lines and sizes.

In summary, the above information indicates that Steeltex tires overall do not stand out from their peers in terms of failure rates, and there are no indications of a defect trend.

### 4.0 DPOs-006 Analysis (Steeltex Tires on Ambulances)

#### 4.1 ODI VOQs

ODI has received over 100 VOQs relating to ambulances over the last ten

years, 28 of which involve tires, four of which reported concerns with valve stem durability or accessibility, or sidewall cracks. Of the 24 VOQs that report tire failures, two involved Michelin tires. One of the Michelin complaints reported multiple sidewall failures that stopped occurring after the fleet converted their OE rubber valve stems to metal clamp-in valve stems.

The VOQs that report Steeltex tire failures involve Type I and Type III ambulances based on the Ford F-350 and E-350/450 dual rear wheel platforms. Most of these failures occurred on the rear axle. None of the 22 VOQs allege a crash, injury, or death. Most incidents took place in 2000 and 2001, with the most recent incident occurring in August 2003.

#### 4.2 Firestone Data

Over the last ten years, Firestone has received a total of eight claims relating to Steeltex tires on ambulances. Six of these are claims for property damage only, while the remaining two are personal injury claims involving a total of three injuries, including one death. One of the injury claims was dismissed because the injury could not be substantiated and the LT245/75R16 LRE tire involved displayed the classic flex failure mode associated with severe underinflation, while the other claim, involving the death and a non-fatal injury, is still open.

Overall, the property damage claims are confined to Steeltex R4S/R4SII tires, mostly involving LT225/75R16 LRE tires. With the exception of a misapplied LRC tire and two failures due to extreme underinflation, failure times varied from two to five years in service.

#### 4.3 Ford Data

Ford produced the vast majority of LTR tire-equipped ambulance platforms, totaling almost 50,000 over the last ten years. Dual rear wheel vehicles, which were predominantly fitted with Steeltex tires, account for two thirds of ambulance production, with Type III E-350/450 cutaways accounting for almost half of overall production.

Ford informed ODI that it chooses tire fitments for ambulance package-equipped vehicles based on the tire's ability to meet speed and load requirements. It has further stated that it discourages vehicle modifiers that convert cutaways into finished ambulances from changing the OE tire fitments provided by Ford.

Ford has received sixteen tire-related complaints concerning ambulances over the last ten years, a quarter of which relate to valve stem leakage or tire

<sup>3</sup> On February 26, 2004, Firestone announced that it would recall approximately 487,000 LT225/75R16 LRE Steeltex A/T tires manufactured for OE fitment on MY 2000-2003 Ford Excursion SUVs. Firestone estimates that 287,000 of these tires were still in service at that time.

<sup>4</sup> It should be noted that no single tire manufacturer consistently ranked the highest in any of the categories described.

<sup>5</sup> Smithers Scientific Services of Akron, Ohio furnished the expert and issued a report, available in the DPO-004 public file.

<sup>6</sup> These tire sizes account for the majority of the production and property damage claims, and are used on potentially sensitive vehicles such as large passenger vans and ambulances: LT225/75R16, LT245/75R16, and LT285/75R26.

<sup>7</sup> In this case, the term claim refers to lawsuits and claims for both property damage and personal injury.

<sup>8</sup> Flex failure is caused by operation at extreme levels of underinflation, a condition that was identified in some tires by both ODI's expert and the petitioners' consultant.

misapplication. The sole reported injury crash involved a Untroyal tire falling on the right rear position of a MY 1997 Type II ambulance in 2001. One additional crash was reported in 2002 that involved a patched tire and no injuries.

Review of the failure data reported to ODI, Firestone, and Ford indicates that Steeltex tire failures on ambulances are spread out over a significant period of time, and often involve usage factors such as misapplication, valve stem concerns (as evidenced by the complaints regarding valve stem durability and access), and road hazards. Additionally, analysis indicates that Steeltex tires were, until 2003, the predominant tire used in dual rear wheel ambulance applications and, thus, uniquely exposed to the issues associated with ambulance operation.

### 5.0 Petition Allegations

The petitioners made numerous allegations,<sup>14</sup> which primarily restate those in DP02-011: that ODI has undercounted Steeltex VOCs; that the volume of complaints<sup>15</sup> gathered is evidence of a safety defect trend; and that the subject tires contain manufacturing and material defects. In contrast to DP02-011, the petitioners have now examined a number of failed Steeltex tires in Firestone's custody and have characterized their findings as evidence that the tires are defective in design and manufacture.

ODI has reviewed the materials submitted in the petitions and found that they do not demonstrate the existence of a safety-related defect trend or warrant the opening of a defect investigation. The petitions allege a wide array of defects throughout the various sizes, load ranges, and designs of Steeltex tires manufactured by Firestone since 1995. These include inferior raw materials, inadequate component gauges, improper splices, improper curing, inadequate rubber-wire adhesion in the steel belts, and various other design and manufacturing deficiencies. ODI's analysis of all of the available tire failure data does not indicate that the Steeltex tires contain a defect condition and certainly do not

<sup>14</sup> Allegations and supporting information were provided in three submissions: Petitions DP04-004 and DP04-005 dated May 13, 2004; a submission dated July 20, 2004 that includes video tapes of the Marango tire inspections, copies of VOCs, and additional complaint information; and a technical report dated July 28, 2004.

<sup>15</sup> Many of these complaints allege failure modes such as flex failures, and impact breaks that are different from tread separation—the failure mode identified in the petitions. We further note that these failures can be caused by many different conditions, including usage factors.

support the petitioner's claims of such a broad range of defects.

The petitioners did not conduct any testing or laboratory analyses to support these claims and some of the claims are in direct conflict with others. For example, the current and prior petitions allege that the Steeltex tires contain the same defect as the Wilderness A/T tires previously recalled by Firestone and identify inadequate rubber-wire adhesion, as allegedly demonstrated by "ahny brass" in the belt wire, as one of the primary causes. Extensive lab analyses of hundreds of Wilderness A/T tires performed by ODI, Firestone, and Ford during the course of RA00-028 found good steel cord-rubber adhesion and that Wilderness A/T tire tread separations involved fatigue crack growth through the skim rubber between the two steel belts, rather than at the interface between the rubber and steel. Likewise, many of the tires examined at Marango displayed crisp multi-level tear patterns in the skim rubber, suggesting good steel cord-rubber adhesion. The report submitted by the petitioners at the end of July contains many similar internal contradictions and scientific errors.<sup>16</sup>

The petitioners' resubmission of allegedly undercounted Steeltex VOCs contained many of the same errors highlighted in the DP02-011 denial: Fully one-fifth of these complaints involved tires sold by Firestone's competitors,<sup>17</sup> non-Steeltex Firestone tires,<sup>18</sup> contained no failure summary or description, or reported conditions that were not tire failures such as vibrations and rapid wear. In the end, somewhat more than half of the original number of complaints submitted by the petitioners alleged a Steeltex tread separation.

DP04-004 Exhibits E and F contain information concerning the petitioners' tire examinations at Marango. While the petitioners used former Firestone employees as consultants, they applied forensic condition codes that are not used by Firestone and in many cases do not accurately describe a disabled tire condition. Many basic mistakes were

<sup>16</sup> For example, Page 8 of the July 28, 2004 report misidentifies (tire) rubber "newborn" as the return of vulcanized rubber to its pre-cure state in the presence of high temperatures. This conflicts with established polymer science that identifies rubber reversion as a continuation of the vulcanization process, leading to a decline in its desirable physical properties. Likewise, statements made on Page 8 mischaracterize the reasons for adding natural rubber to tires as being its heat resistance relative to that of synthetic rubber.

<sup>17</sup> For example: VOC # 748973 reported multiple tread separations on Michelin LT225/75R16 tires on a Ford E-350 EV.

<sup>18</sup> For example: VOC # 733403 reported road hazard damage to a Wilderness A/T P165/75R16 tire on a 2000 Chevrolet Silverado.

made, including the misstatement of the DOT code or consumer's name in almost a third of the records.

The petitioners make numerous references to the C85 cost reduction program<sup>19</sup> conducted by Firestone in the mid 1990s as evidence of unacceptable reductions to Steeltex tire quality.<sup>20</sup> Firestone has stated that many of the recommendations cited by the petitioners were never implemented. The petitioners have attempted to link Firestone's search for lower cost materials to a labor dispute at a carbon black supplier from which Firestone buys relatively little material. The petitioners also allege that lighter steel cords were used, reducing steel cord-rubber adhesion; yet ODI has observed signs of strong steel cord-rubber adhesion in most of the Steeltex tires that it examined. The petitioners have alleged that process times were shortened leading to undercure of Steeltex tires, and that such tires would fail early in service, but we note that failure data show that these tires generally fail well into their service lives, on average after three years of use, and halfway through their tread life.

DP04-006 alleges that Steeltex tires endanger ambulance operators and contains two references to press reports of patients dying as a result of ambulance tire failures, 41 signed statements from EMS companies, and additional contact information contained in Exhibits A and B.

ODI has found significant inconsistencies in this information. For example, one of the alleged fatal ambulance crashes involved a Type II ambulance that left the road and rolled over. Closer investigation found that there was no evidence of a pre-crash tire failure, and that the vehicle was in fact fitted with Michelin tires. Two of the complainants that filed signed statements included in DP04-006 were not EMS services and did not operate ambulances;<sup>21</sup> the vehicle crash experienced by the Kinross EMS was not caused by a tire failure;<sup>22</sup> and fully

<sup>19</sup> Information concerning C85 was submitted by the petitioners to ODI in April 2003 during ODI's technical review of DP02-011. The document submitted included a list of 153 potential cost-reduction recommendations.

<sup>20</sup> More details concerning these allegations can be found in the petitioners' July 28 technical report.

<sup>21</sup> One was a general contractor (North East Lighting Protection) and one was a state environmental agency (Florida Bureau of Environmental Response).

<sup>22</sup> A Kinross EMS representative advised that the petitioner has misquoted them. Kinross EMS has experienced two Steeltex tire failures, both attributed to valve stem adhesion leakage on its vehicles. The crash itself was unrelated to the failure and occurred as a result of driving in icy conditions.

one third of the RMS services contacted by ODI did not experience a tire failure while driving.<sup>18</sup>

#### 6.0 Discussion

In determining whether to open a defect investigation into a product, ODI typically considers a number of factors, dependent upon the alleged defect and component at issue. The decision whether to re-open an investigation into Firestone Steeltex tires was based on consideration of a number of matters identified during the course of the technical review. These considerations were discussed at length above and include such items as the number and trend of owner complaints, claims and adjustment data, the number and severity of injury claims, and evidence of a possible source and mode of failure.

Standing alone, no one factual consideration was dispositive. For example, the fact that the adjustment or property damage claims rates for Steeltex tires may have been comparable to or lower than competitor tires, was but one factor. Other information was considered as well, such as the number and severity of injury incidents associated with the tires, and the variety of failure conditions observed during ODI's tire examinations.

As noted in the denial of DP02-011, the subject Steeltex tires represent an immense and diverse population of tires that are used in the harshest LTR tire applications. The data continue to show that the rate of Steeltex tire failures is similar to that of other tires in similar uses.

The petitioners' data and VOCs show that Class C RVs, representing a relatively small segment of vehicles that use Steeltex tires, account for the largest share of recent failures, but a very small share of the crash numbers. Class C RVs are an especially severe LTR tire application because, by design, they operate very close to the tires' rated capacities, are subject to tire pressure maintenance concerns, and accumulate mileage at a lower rate than most other vehicles equipped with LTR tires.

Additionally, the independent tire failure expert ODI retained to examine an assortment of failed Steeltex tires was unable to find evidence of any specific type or mode of failure in the tires. His examination concluded that the tires demonstrated evidence of a wide variety of failure modes, all of which were consistent with the failure modes typically seen in tires of comparable size and type, regardless of manufacturer.

<sup>18</sup> In these instances, complaints reported valve stem leakage, vibration, bulges, and irregular wear.

With regard to ambulance applications in particular, tire examinations and interviews conducted by ODI, and surveys conducted by Firestone have uncovered evidence of significant tire maintenance concerns (many of which also apply to RVs). ODI examined 21 ambulance tires and found many of the same conditions observed at Marsengo, including flex failures and unrepaired road hazards. The dual rear wheel arrangement on many ambulances often renders the inner valve stem inaccessible, making it difficult to assure that proper pressures are maintained. Up to a third of the vehicles surveyed by Firestone evidenced substantial underinflation of their tires. This is especially significant because, like RVs, ambulances operate very close to the maximum carrying capacity of their tires most of the time.<sup>19</sup>

#### 7.0 Conclusions

Based on ODI's analysis of information submitted in support of the petitions, additional complaint and claims information gathered since the DP02-011 denial, and its examination of failed Steeltex tires, it is unlikely that NHTSA would issue an order for the notification and remedy of a safety-related defect in the subject tires at the conclusion of the investigations requested by the petitioners. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, ODI is denying the petitions to re-open the Steeltex investigation. ODI will continue to monitor the performance of these tires for any signs of an emerging defect trend.

Authority: 49 U.S.C. 30120(a); delegations of authority at CFR 1.50 and 301.8.

Issued on: September 24, 2004.

Kenneth N. Weinstein,  
Associate Administrator for Enforcement.  
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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### Pipeline Safety: Hazards Associated With De-Watering of Pipelines

AGENCY: Research and Special Programs Administration (RSPA), DOT.

<sup>19</sup> Based on these and other operational and maintenance issues identified in dual rear wheel tire applications during the course of this review, NHTSA plans to conduct outreach activities to the EMS and RV communities in an effort to improve vehicle/tire loading and tire pressure maintenance conditions.

**ACTION:** Notice; issuance of advisory bulletin.

**SUMMARY:** On June 21, 2004, the Research and Special Programs Administration's Office of Pipeline Safety (RSPA/OPS) issued Advisory Bulletin ADB-04-01 to owners and operators of gas and hazardous liquid pipelines to consider the hazards associated with pipeline de-watering operations. This advisory bulletin was originally issued jointly with the Department of Labor's Occupational Safety and Health Administration (OSHA) as Safety and Health Information Bulletin SHIB 06-21-2004. Operators are strongly encouraged to follow the recommended work practices and guidelines to reduce the potential for unexpected separation of temporary de-watering pipes.

**FOR FURTHER INFORMATION CONTACT:** Richard Hurlaux, (202) 365-4566; or by e-mail, [richard.hurlaux@rspa.dot.gov](mailto:richard.hurlaux@rspa.dot.gov). This document can be viewed at the OPS home page at <http://ops.dot.gov>. The original advisory bulletin issued by OSHA can be viewed at <http://www.osha.gov>. General information about the RSPA/OPS programs may be obtained by accessing RSPA's home page at <http://rspa.dot.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

The OSHA Allentown and Wilkes-Barrs Area Offices recently investigated two fatalities that occurred in conjunction with de-watering processes associated with newly constructed gas pipelines. In both cases, the temporary de-watering piping violently separated from its couplings, striking and fatally injuring employees. In one instance, the separated section of pipe was thrown 45 feet from where it had been attached to the temporary de-watering valve. OSHA determined that a major contributing factor to both of the accidents was temporary de-watering pipelines that were not adequately secured to prevent the piping from moving or separating. In one case, the failure occurred at a pipe coupler that was not being used within the safe tolerances established by the manufacturer.

After a pipeline is laid, a hydrostatic test is conducted to ensure its integrity. Hydrostatic testing may also be conducted during the service life of the pipeline to evaluate its operational integrity. The hydrostatic test consists of pumping water into the pipeline, pressuring up the line to specified test pressures, and holding that pressure for a discrete period of time in accordance with applicable regulations and guidelines, including regulations