

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket Nos. FMCSA-05-22727, FMCSA-05-23099]

Qualification of Drivers; Exemption Renewals; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA previously announced its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 8 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has reviewed the comments submitted in response to the previous announcement and concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202) 366-4001, maggi.gunnels@dot.gov, FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the 2-year period. The comment period ended on March 20, 2008.

Discussion of Comments

FMCSA received one comment in this proceeding. The comment was considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition

to FMCSA's policy to grant exemptions from the FMCSR, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

The Agency has not received any adverse evidence on any of these drivers that indicates that safety is being compromised. Based upon its evaluation of the 8 renewal applications, FMCSA renews the Federal vision exemptions for John R. Alger, Gene Bartlett, Jr., Marland L. Brassfield, Billy R. Jeffries, John P. Rodrigues, Robert V. Sloan, Gary N. Wilson, and William B. Wilson.

In accordance with 49 U.S.C. 31136(e) and 31315, each renewal exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 17, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8-8987 Filed 4-24-08; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration**

[FTA Docket No. 2008-0022]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: Reporting of Technical Activities by FTA Grant Recipients. The **Federal Register** Notice with a 60-day comment period soliciting comments was published on February 4, 2008. No comments were received in response to that notice.

DATES: Comments must be submitted before May 27, 2008. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: LaStar Matthews, Office of Administration, Office of Management Planning, (202) 366-2295 or e-mail: LaStar.Matthews@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Reporting of Technical Activities by FTA Grant Recipients (OMB Number: 2132-0549).

Abstract: 49 U.S.C. 5305 authorizes the use of federal funds to assist metropolitan planning organizations (MPOs), states, and local public bodies in developing transportation plans and programs to serve future transportation needs of urbanized areas and nonurbanized areas throughout the nation. As part of this effort, MPOs and states are required to consider a wide range of goals and objectives and to analyze alternative transportation system management and investment strategies. These objectives are measured by definable activities such as planning certification reviews and other related activities.

The information collected is used to report annually to Congress, the Secretary, and to the Federal Transit Administrator on how grantees are responding to national emphasis areas and congressional direction, and allows FTA to track grantees' use of federal planning funds.

Estimated Total Annual Burden: 156 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: FTA Desk Officer.

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: April 17, 2008.

Ann M. Linnertz,

Associate Administrator for Administration.

[FR Doc. E8-8992 Filed 4-24-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0042; Notice 2]

General Motors Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain model year 2005, 2006 and 2007 Cadillac STS passenger cars equipped with sunroofs do not fully comply with paragraph S4(e) of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118, *Power-Operated Window, Partition, and Roof Panel Systems*. On October 3, 2007, GM filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* identifying approximately 60,042 model year 2005, 2006 and 2007 Cadillac STS passenger cars that do not comply with the paragraph of FMVSS No. 118 cited above.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, GM has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on December 10, 2007 in the **Federal Register** (72 FR 69727). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2007-0042."

For further information on this decision, contact Mr. Stuart Seigel, Office of Vehicle Safety Compliance, the

National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5287, facsimile (202) 493-0073.

GM certified these vehicles to paragraph S4(e) of 49 CFR 571.118, which requires in pertinent part:

S4. Operating requirements. * * * power operated window, partition, or roof panel systems may be closed only in the following circumstances: * * *

(e) During the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors;

GM explains that for 60 seconds after the vehicles are started, if the engine is turned off and a front door is opened, the sunroof module software allows the sunroof to be closed if someone in the vehicle activates the control switch. If more than 60 seconds elapses from the starting of the vehicle, this condition will not occur.

GM stated that it is not aware of any incidents or injury related to the subject condition.

GM included an analysis of the risk associated with the subject condition and a detailed explanation of the reasons why it believes the noncompliance to be inconsequential to motor vehicle safety.

In summary, GM states that for all of the subject vehicles:

- The subject condition affects only the sunroof, not the power windows.
- The subject condition requires multiple actions that must occur within a 60 second time period. First, the following sequence of actions must occur: driver starts engine, driver turns off engine, and driver or front passenger opens a front door. After this sequence of actions and still within the 60 second time frame, occupants must take additional actions: Push the sunroof close switch and position an occupant to create the risk of sunroof entrapment. All of these actions must occur within one 60 second time frame.
 - If the sunroof switch is pushed steadily and then released, the sunroof promptly stops moving.
 - The sunroof incorporates an auto-reverse system. This system will activate whenever the sunroof is closing in the express close mode. Therefore, sunroof entrapment requires the completion of the initial sequence of engine start/engine stop/front door open actions, and also requires an occupant to press and hold the sunroof closure switch and position an occupant within the sunroof—all within the 60 second window and in such a manner that the

auto-reverse is not effective in preventing sunroof entrapment.

- The Agency has granted similar petitions in the past.
- GM is not aware of any injuries or incidents related to the subject condition.

GM states that it believes that because the noncompliance is inconsequential to motor vehicle safety that no further corrective action is warranted. GM has also informed NHTSA that it has corrected the problem that caused these errors so that they will not be repeated in future production.

NHTSA Decision

The following explains our rationale.

The purpose of paragraph S4 of FMVSS No. 118 is to minimize the likelihood of death or injury to occupants from accidental operation of power windows, partitions, and roof panels. We believe that this noncompliance is inconsequential to motor vehicle safety for a number of reasons. It is very unlikely that the entire sequence of events—starting the engine, turning the engine off, opening a front door, a person becoming positioned in the sunroof opening, and pushing the sunroof close button—will occur in less than 60 seconds. We also believe that the risk exposure time is likely further reduced as the sunroof, normally closed at the time of engine start, would have to first be opened then closed, with the opening time subtracted from the 60 second interval.

The noncompliant situation does not involve power windows, where entrapment is rare but a realistic possibility. Power window openings are physically more accessible to occupants than the sunroof opening and thus present a higher risk of entrapment to persons in the vehicle, especially unattended occupants (normally children).

The subject vehicle sunroof can be closed either by continuous actuation of the sunroof switch, or by a momentary touch and release of the same switch which initiates an express-close mode. In the first mode, the sunroof ceases movement upon release of the switch. This allows immediate operator sunroof closure control minimizing the entrapment risk. During the express-close mode, the vehicle incorporates an auto-reverse feature that is designed to reverse sunroof motion before it can exert a force of 100N (22.5lbf.) or more on a foreign object or person. We believe this added feature will further minimize the risk of entrapment to an occupant (normally a child).

Lastly, GM indicates that it is not aware of any injuries, owner complaints