

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Documents are stored electronically in a SQL Server database on the internal network (behind departmental firewall).

**RETRIEVABILITY:**

Records are retrieved by searching on an individual's name or office symbol.

**SAFEGUARDS:**

OASIS is an FTA application that resides on the internal network behind the departmental firewall. Users are authenticated by their network user ID and password.

**RETENTION AND DISPOSAL:**

Data is kept in the system for the life of the system. Many of FTA's applications interface with OASIS and individuals who are no longer working for FTA are in an inactive status. This is necessary in order to maintain historical traceability in our applications.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Information Technology (TAD-20), Federal Transit Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.

**NOTIFICATION PROCEDURE:**

Same as "System Manager."

**RECORD ACCESS PROCEDURES:**

Same as "System Manager."

**CONTESTING RECORD PROCEDURES:**

Same as "System Manager."

**RECORD SOURCE CATEGORIES:**

Personal information is entered voluntarily by the individual at her/his own discretion for emergency procedures.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**Habib Azarsina,**

*Departmental Privacy Officer, DOT / OST / S-83.*

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**BILLING CODE 4910-62-P**

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[U.S. DOT Docket Number NHTSA-2008-0057]

**Reports, Forms and Record Keeping Requirements**

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. A **Federal Register** Notice with a 60-day comment period was published on March 28, 2008 (73 FR 16740).

**DATES:** Comments must be submitted to OMB on or before July 7, 2008.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, OMB, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Timian, Recall Management Division (NVS-215), Room W46-324, NHTSA, 1200 New Jersey Ave., Washington, DC 20590. Telephone: (202) 366-0209.

**SUPPLEMENTARY INFORMATION:****National Highway Traffic Safety Administration**

*Title:* Defect and Noncompliance Reporting and Notification.

*OMB Number:* 2127-0004.

*Type of Request:* Revision of a currently approved information collection.

*Affected Public:* Businesses or individuals.

*Abstract:* This notice addresses NHTSA's proposed revision to approved collection of information OMB No. 2127-0004. This collection covers those requirements found within various provisions of the Motor Vehicle Safety Act of 1966 (Act), 49 U.S.C. 30101, *et seq.*, and implementing regulations found within 49 CFR parts 573 and 577, that require motor vehicle and motor vehicle equipment manufacturers to notify NHTSA and also owners, purchasers, dealers, and distributors, of safety-related defects and failures to comply with Federal Motor Vehicle

Safety Standards (FMVSS) in products they manufactured. It also covers additional reporting, notification, and recordkeeping requirements related to those notifications and the ensuing free remedy programs, including the requirement(s):

- That a plan be filed explaining how the manufacturer intends to reimburse owners or purchasers who paid to remedy the defective or noncompliant product prior to its recall, and that this plan be explained in the notifications issued to owners and purchasers;

- That the manufacturer provide to NHTSA copies of communications pertaining to the recall campaign that they may issue to owners, purchasers, dealers, or distributors;

- That the manufacturer maintain a list of the owners, purchasers, dealers, and distributors it notified;

- That the manufacturer provide NHTSA with at least six quarterly reports detailing the progress of the recall campaign;

- Related to, in tire recall campaigns, the proper disposal of recalled tires, including requirements that the manufacturer submit a plan and provide certain information and instructions to certain persons (such as its dealers or retail outlets) addressing disposal, and a requirement that those persons report back deviations from that plan; and

- That any person who sells or leases a defective or noncompliant tire, knowing that the manufacturer has decided that tire is defective or noncompliant, report that sale or lease to NHTSA.

The statutory sections imposing these requirements include 49 U.S.C. 30118, 30119, 30120, and 30166. The regulatory sections implementing these statutory sections are found within 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and 49 CFR 577, *Defect and Noncompliance Notification*.

NHTSA published a **Federal Register** notice providing more detailed information about this information collection's requirements and its annual burden hour and respondent calculations on March 28, 2008 (73 FR 16740). All interested persons are encouraged to review that notice for further information if needed in preparing comments.

*Estimated annual burden:* 21,370 hours.

*Number of respondents:* 175.

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.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued on: May 27, 2008.

**Kathleen C. DeMeter,**

*Director, Office of Defects Investigation.*

[FR Doc. E8-12491 Filed 6-4-08; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-0053]

#### Motley Rice, LLC, Denial of Petition for Compliance Investigation

Motley Rice, LLC (Motley Rice), counsel of record for the plaintiffs in the lawsuit styled *Day v. Ford Motor Company*, Civ. No. 04CVS-10181 (N.C., Guilford County), has petitioned National Highway Traffic Safety Administration (NHTSA) pursuant to 49 CFR 552.3 seeking an order finding that certain vehicles manufactured by Ford Motor Company (Ford) are not in compliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 206,<sup>1</sup> *Door Locks and Door Retention Components*. In addition, petitioner seeks an order finding that Ford's use of the Modified Dynamic Test Method to demonstrate compliance was inappropriate or, stated alternatively, that Ford's use of the 1960 Severy acceleration pulse is not a uniform approved pulse that can be inserted into any test for the purpose of determining regulatory compliance. Petitioner asserts that the following Ford vehicles are non-compliant with FMVSS No. 206: (1) Model Year (MY) 1997-2000 F-150-PN-96, (2) MY 1997-2000 F-250-Light Duty, (3) MY 1997-2000 Ford Expedition, and (4) MY 1997-2000 Lincoln Navigator vehicles. Collectively, this notice refers to these vehicles as "subject vehicles."

Motley Rice contends that the identified vehicles are not in compliance with FMVSS No. 206. Specifically, the petitioner contends that the identified vehicles are not in

compliance with the 30g (inertia load) requirement of FMVSS No. 206 as a result of a defect in the outside handle torsion spring. The spring tension in these handles, petitioner contends, is substantially below specification and may reduce the level for inertia activation of the system to approximately half that needed to meet the 30g calculation requirements of FMVSS No. 206 per the calculation referenced in Society of Automotive Engineers Recommended Practice J839 (SAE-J839).

Under the National Traffic and Motor Vehicle Safety Act, as amended and recodified, 49 U.S.C. 30112(a)(1), a person may not manufacture for sale or sell any motor vehicle manufactured on or after the date of an applicable motor vehicle safety standard takes effect unless the vehicle complies with the standard and is covered by a certification issued under 49 U.S.C. 30115. Except with regard to vehicles not manufactured to comply with the FMVSSs but later imported, the prohibition of section 30112(a) does not apply to the sale of a motor vehicle after the first purchase of the vehicle in good faith other than for resale. The FMVSSs generally apply to the manufacture and sale of new vehicles, as distinguished from used vehicles.

In general, NHTSA's enforcement of the FMVSSs is based on compliance testing of samples of new products conducted using the test procedures set forth in the relevant safety standard. However, manufacturers certifying compliance with FMVSSs are not required to follow exactly the compliance test procedures set forth in the applicable standard. Manufacturers are required to exercise reasonable care to assure compliance in making their certifications. 49 U.S.C. 30115(a). It may be simplest and is best for a manufacturer to establish that it exercised reasonable care if it has strictly followed NHTSA's test procedures. However, NHTSA has recognized that reasonable care might also be shown using modified procedures if the manufacturer could demonstrate that the modifications were not likely to have had a significant impact on test results. In addition, reasonable care might be shown using engineering analyses or computer simulations.

FMVSS No. 206, *Door Locks and Door Retention Components* contains a number of requirements. One is the inertia load requirement. S4.1.1.3 *Inertia Load*, provides:

The door latch shall not disengage from the fully latched position when a longitudinal or

transverse inertia load of 30g is applied to the door latch system (including the latch and its actuating mechanism with the locking mechanism disengaged).

The accompanying compliance provision states:

S5.1.1.2. *Inertia Load*. Compliance with S4.1.1.3 shall be demonstrated by approved tests or in accordance with paragraph 6 of Society of Automotive Engineers Recommended Practice J839, *Passenger Car Side Door Latch Systems*, June 1991.

SAE-J839 paragraph 6 specifies a 30g-based calculation. Apart from the SAE calculation, the only NHTSA-approved test<sup>2</sup> for compliance with the transverse inertia load requirement of FMVSS No. 206 at the time the vehicles were produced was the 1967 General Motors Corporation (GM) dynamic pulse test. There, GM developed a side impact pulse in light of the 30g Federal requirement. GM used research on side impacts conducted by D. Severy in 1960 as well as some GM test data. Using the Severy and GM data, GM developed a characteristic pulse shape with a maximum value exceeding 30g and a duration from GM data. This pulse was duplicated on a sled by altering the variables of pin shape and air pressure. In a sled test using this pulse, on-board, high speed movie cameras monitoring the latch determine that unlatching does not occur.

Ford certified the subject vehicles to the inertia load requirements of FMVSS No. 206 by using the SAE-J839 calculation. According to the petition, Ford thereafter determined that compliance (to the transverse inertia load requirement) could be demonstrated by using a modified version of the 1967 GM Dynamic Pulse Test Method; Ford used a computer-simulated program that relied upon the 1960 Severy acceleration pulse.

If NHTSA were to grant the Motley Rice petition, the agency would proceed to conduct a compliance investigation that might or might not result in an order to Ford under 49 U.S.C. 30118(b). In deciding whether to open a compliance or defect investigation, NHTSA considers, among other factors, allocation of agency resources, agency priorities, and the likelihood of success in litigation that might arise from an order the agency may issue. 49 CFR 552.8. See *Center for Auto Safety v. Dole*, 846 F.2d 1532, 1535 (D.C. Cir. 1988).

In this case, as discussed in further detail below, Ford has a simulation

<sup>1</sup> Throughout this Notice, all references to FMVSS No. 206 are based on the version of the standard in effect for the applicable manufacturing dates of the subject vehicles.

<sup>2</sup> U.S. DOT Federal Highway Administration, National Highway Safety Bureau Letter Dated 12/22/1967, <http://isearch.nhtsa.gov/gm/67/nht67-1.26.html>.