

Additionally, "BUSINESS CONFIDENTIAL" must be included in the "Type Comment" field. Filers of submissions containing business confidential information must also submit a public version of their comments indicating where confidential information has been redacted. The non-confidential summary will be placed in the docket and open to public inspection. The file name of the public version should begin with the character "P." The "BC" and "P" should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the character "P," followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

USTR strongly urges submitters to file comments through [www.regulations.gov](http://www.regulations.gov), if at all possible. Any alternative arrangements must be made with Kent Shigetomi in advance of transmitting a comment. Mr. Shigetomi should be contacted at (202) 395-9459. General information concerning USTR is available at <http://www.ustr.gov>.

**Inspection of Submissions:** Submissions in response to this notice, except for information granted "business confidential" status, will be available for public viewing at <http://www.regulations.gov>. Such submissions may be viewed by entering the docket number USTR-2012-0002 in the search field at: <http://www.regulations.gov>.

**John M. Melle,**

*Assistant U.S. Trade Representative for the Americas.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), 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 regarding the passenger motor vehicle insurance companies and rental/leasing companies comply with 49 CFR Part 544, Insurer Reporting Requirement, has been 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. The **Federal Register** Notice with a 60-day comment period was published on November 25, 2011 (76 FR 72750). The agency received no comments.

**DATES:** Comments must be submitted on or before March 19, 2012.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA 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.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NVS-131), 1200 New Jersey Ave., SE., West Building, Room W43-439, 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:

### National Highway Traffic Safety Administration

**Title:** 49 CFR part 544; Insurer Reporting Requirement.

**OMB Control Number:** 2127-0547.

**Type of Request:** Request for public comment on a previously approved collection of information.

**Abstract:** This information collection supports the Department's strategic goal

of Economic Growth and Trade. The Motor Vehicle Theft Law Enforcement Act of 1984, added Title VI to the Motor Vehicle and Information Cost Savings Act (recodified as Chapter 331 of Title 49, United States Code) which mandated this information collection. The 1984 Theft Act was amended by the Anti Car Theft Act (ACTA) of 1992 (Pub. L. 102-519). NHTSA is authorized under 49 U.S.C. 33112, to collect this information. This information collection supports the agency's economic growth and trade goal through rulemaking implementation developed to help reduce the cost of vehicle ownership by reducing the cost of comprehensive insurance coverage. 49 U.S.C. 33112 requires certain passenger motor vehicle insurance companies and rental/leasing companies to provide information to NHTSA on comprehensive insurance premiums, theft and recoveries and actions taken to address motor vehicle theft.

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

**Estimated Total Annual Burden:** Based on prior years' insurer compilation information, the agency estimates that the time to review and compile information for the reports will take approximately a total of 19,625 burden hours (17,500 man-hours for 25 insurance companies and 2,125 man-hours for 5 rental and leasing companies). Claim Adjusters incur separate burden hours from the number of insurers. Claim adjuster's duties are those of normal business practice and do not assist in preparing or compiling information for the reports. There has been a decrease in the number of companies required to report since the last reporting period, also, some companies have merged into one entity or have been exempted from the reporting requirements since the last reporting period. The agency has re-estimated the burden hours to be 19,625 total annual hours requested in lieu of 63,238 as the current OMB inventory. This is a decrease of 43,613 hours. Most recent year insurer compilation information estimates reveal that it takes an average cost of \$47.00 per hour for clerical and technical staff to prepare the annual reports. Therefore, the agency estimates the total cost associated with the burden hours is \$922,375.

The burden hour for rental and leasing companies is significantly less than that for insurance companies because rental and leasing companies comply with fewer reporting requirements than the insurance companies. The reporting burden is

based on insurers' salaries, clerical and technical expenses, and labor costs.

*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: February 13, 2012.

**Christopher J. Bonanti,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2012-3760 Filed 2-16-12; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0019; Notice 1]

#### Utilimaster Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Receipt of Petition.

**SUMMARY:** Utilimaster Corporation (Utilimaster) <sup>1</sup> has determined that certain model year 2009-2011 Utilimaster walk-in van-type trucks manufactured between September 1, 2009, and December 22, 2011, do not fully comply with paragraph S4.2.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door Locks and Door Retention Components*. Utilimaster has filed an appropriate report dated December 30, 2011, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Spartan Motors, Inc.,<sup>2</sup> on behalf of Utilimaster has submitted a petition 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.

This notice of receipt of Utilimaster's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 9,861 model year 2009-2011 Utilimaster walk-in van-type trucks manufactured between September 1, 2009, and December 22, 2011.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 9,861<sup>3</sup> model year 2009-2011 trucks that Utilimaster no longer controlled at the time it determined that the noncompliance existed.

Utilimaster explains that the noncompliance is that while the sliding doors on the vehicles are equipped with a door latch system with a fully latched position, no door closure warning system, as required by paragraph S4.2.1 of FMVSS No. 206, is installed.

Paragraph S4.2.1 of FMVSS No. 206 requires in pertinent part:

S4.2 Sliding Side Doors.

S4.2.1 Latch System. Each sliding door system shall be equipped with either:

- (a) At least one primary door latch system, or
- (b) A door latch system with a fully latched position and a door closure warning system. The door closure warning system shall be located where it can be clearly seen by the driver. Upon certification a manufacturer may not thereafter alter the designation of a primary latch. Each manufacturer shall, upon request from the National Highway Traffic Safety Administration, provide information regarding such designation \* \* \*

#### Summary of Utilimaster's Analysis and Arguments

The sliding door latch requirements contained in paragraph S4.2.1 of FMVSS No. 206 were adopted in

February 2007 as part of a broader upgrade to the Agency's existing door latch and retention requirements. The standard defines "Primary Door Latch" as "a latch equipped with both a fully latched position and a secondary latched position and is designated as a 'primary door latch' by the manufacturer." It defines "Door Closure Warning System" as "a system that will activate a visual signal when a door latch system is not in its fully latched position and the vehicle ignition is activated." The effective date of these requirements was September 1, 2009. (The load test requirements of paragraph S4.2.2 of FMVSS No. 206 became effective September 1, 2010; the subject vehicles do comply with the load requirements.)

As set forth in Utilimaster's noncompliance report, Utilimaster determined that the new latch requirements applied to these vehicles, but were not designed into vehicles built after the effective date. (This omission was the result of Utilimaster's previous misinterpretation as to the applicability of the FMVSS No. 206 amendments to these particular vehicles.)

Specifically, the sliding doors on the subject vehicles are equipped with a door latch that does not meet the above-referenced definition of a "primary door latch," because these vehicles lack a secondary latched position. Thus, these vehicles do not meet the paragraph S4.2.1(a) compliance option. Moreover, these vehicles are not equipped with a "door closure warning system" and, therefore, they do not meet the paragraph S4.2.1(b) compliance option. In any event, we believe that the omission of a door closure warning system on these vehicles is inconsequential to safety. This is due to the particular characteristics of the sliding doors on these vehicles, which will immediately provide adequate visual (and audible) feedback to the driver to alert him or her in the event a door is unlatched.

The door has approximately 0.315 inches of engagement into the door seal. Therefore, should the sliding door not be in the latched position, it would be readily apparent to the driver before the vehicle is driven.

Even if the driver did not notice the gap in the door prior to the vehicle being driven, these doors would provide immediate visual feedback to the driver as soon as the vehicle begins to move. The sliding doors, on these vehicles, are designed to slide longitudinally on a track when the sliding door handle is activated and a small force is applied in the same longitudinal direction. As a

<sup>1</sup> Utilimaster Corporation, a wholly owned subsidiary of Spartan Motors, Inc., is manufacturer of motor vehicles and is registered under the laws of Delaware.

<sup>2</sup> Spartan Motors, Inc., is a manufacturer of motor vehicles and is registered under the laws of the state of Michigan.

<sup>3</sup> Utilimaster's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt Utilimaster as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the 9,861 affected vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Utilimaster notified them that the subject noncompliance existed.