

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

[U.S. DOT Docket Number NHTSA-2007-28104]

**Reports, Forms, and Recordkeeping Requirements**

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

**ACTION:** Correction Notice.

**SUMMARY:** This document corrects the mailing addresses and the completeness of the notice published on June 21, 2007 (72 FR 34348) for the Paperwork Reduction Action of 1995 (44 U.S.C. 3501 *et seq.*, OMB Control Number 2127-0573).

**DATES:** Comments must be received on or before August 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Mazzyck at the National Highway Traffic Safety Administration, Office of International Vehicle, Fuel Economy and Consumer Standards, 1200 New Jersey Avenue, SE., West Building, Room W43-443, Washington, DC 20590. Ms. Mazzyck's telephone number is (202-366-4139). Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** The National Highway Traffic Safety Administration is correcting the mailing addresses in the June 21, 2007 notice. The U.S. Department of Transportation's Docket Management Facility has moved to a new location. You may mail comments identified by DOT Docket No. NHTSA-2007-28104 to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590.

You may hand deliver comments or obtain access to the docket to read background documents or comments received on this collection by going to 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12-140, Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Additionally, NHTSA is correcting the omission of information from the June 21, 2007, notice. Specifically, 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: August 10, 2007.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. E7-16108 Filed 8-15-07; 8:45 am]

**BILLING CODE 4910-59-P**

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

[Docket No. NHTSA-2007-28733; Notice 1]

**Bentley Motors, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance**

Bentley Motors, Inc. (Bentley) has determined that certain motor vehicles that it produced between July 2006 and March 2, 2007 do not comply with paragraphs S4.5.1(b)(3) and S4.5.1(e)(3) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*. Bentley has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Bentley 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.

This notice of receipt of Bentley'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 a total of approximately 244 model year 2007 Bentley Arnage and Azure model passenger cars produced between July 2006 and March 2, 2007. Paragraph S4.5.1(b)(3) of FMVSS No. 208 requires:

(3) Vehicles certified to meet the requirements specified in S19, S21, or S23 on or after September 1, 2003 shall have a label permanently affixed to either side of the sun visor, at the manufacturer's option, at each front outboard seating position that is equipped with an inflatable restraint. The label shall conform in content to the label shown in Figure 11 of this standard and shall comply with the requirements of S4.5.1(b)(3)(i) through S4.5.1(b)(3)(iv).

(i) The heading area shall be yellow with the word "WARNING" and the alert symbol in black.

(ii) The message area shall be white with black text. The message area shall be no less than 30 cm<sup>2</sup> (4.7 in<sup>2</sup>).

(iii) The pictogram shall be black on a white background. The pictogram shall be no less than 30 mm (1.2 in) in length.

(iv) If the vehicle does not have a back seat, the label shown in the figure may be modified by omitting the statement: "The BACK SEAT is the SAFEST place for CHILDREN."

(v) If the vehicle does not have a back seat or the back seat is too small to accommodate a rear-facing child restraint consistent with S4.5.4.1, the label shown in the figure may be modified by omitting the statement: "Never put a rear-facing child seat in the front."

Paragraph S4.5.1(e)(3) of FMVSS No. 208 requires:

(3) Vehicles certified to meet the requirements specified in S19, S21, and S23 on or after December 1, 2003, that are equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering wheel hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 12 of this standard and shall comply with the requirements of S4.5.1(e)(3)(i) through S4.5.1(e)(3)(iv).

(i) The heading area shall be yellow with black text.

(ii) The message area shall be white with black text. The message area shall be no less than 30 cm<sup>2</sup> (4.7 in<sup>2</sup>).

(iii) If the vehicle does not have a back seat, the label shown in Figure 12 may be modified by omitting the statement: "The back seat is the safest place for children."

(iv) If the vehicle does not have a back seat or the back seat is too small to accommodate a rear-facing child restraint consistent with S4.5.4.1, the label shown in Figure 12 may be modified by omitting the statement: "Never put a rear-facing child seat in the front."

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

Bentley explains that instead of the "advanced air bag" warning labels required pursuant to the paragraphs S4.5.1(b)(3) and S4.5.1(e)(3) of FMVSS No. 208 the affected vehicles were equipped with the "pre-advanced" air bag warning labels conforming to paragraph S4.5.1(b)(1) and S4.5.1(e)(1).

Bentley argues that because the "pre-advanced" sun visor labels used on the vehicles carry essentially the equivalent or even more emphatic warnings to

those required in the regulation and because the owner's manual information correctly describes the advanced air bag system, there is no safety risk or cause for consumer confusion arising from the installed labeling.

Bentley additionally states that the vehicles otherwise comply with all advanced air bag requirements, that the owner manuals contain the correct information required for advanced airbags, and that it has no record of customers contacting the company with inquiries, complaints, or comments with regard to air bag warning labels.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 am to 5 pm except Federal holidays.

c. Electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically. Comments may be faxed to 1-202-493-2251, or may be submitted to the Federal eRulemaking Portal: go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* September 17, 2007.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8.

Issued on: August 10, 2007.

**Claude H. Harris,**  
Director, Office of Vehicle Safety Compliance.  
[FR Doc. E7-16127 Filed 8-15-07; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-28927; Notice 1]

#### Sidump'r Trailer Company, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

Sidump'r Trailer Company, Inc. ("Sidump'r") has determined that the rear impact guards on certain trailers that it manufactured between January 10, 2006 and April 13, 2007 do not comply with paragraph S5.1 of 49 CFR 571.224, Federal Motor Vehicle Safety Standard (FMVSS) No. 224, *Rear Impact Protection*. Sidump'r has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Sidump'r 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.

This notice of receipt of the Sidump'r 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 416 model 223, 325 and 425 side dump bulk material hauling trailers manufactured by Sidump'r between January 10, 2006 and April 13, 2007. Paragraph S5.1.3 *Guard Rear Surface* of FMVSS No. 224 requires:

At any height 560 mm or more above the ground, the rearmost surface of the horizontal member of the guard shall be located as close as practical to a transverse vertical plane tangent to the rear extremity of the vehicle, but no more than 305 mm forward of that plane.

Paragraph S5.1.2 *Guard Height* of FMVSS No. 224 requires:

The vertical distance between the bottom edge of the horizontal member of the guard and the ground shall not exceed 560 mm at any point across the full width of the member.

Sidump'r first became aware of the noncompliance of these trailers when Sidump'r received a customer inquiry on or about February 27, 2007 regarding the rear impact guards installed on the subject trailers. As a result of this inquiry, Sidump'r stated that it commenced a thorough engineering evaluation of the rear end of the subject trailers to determine whether they meet the requirements of FMVSS No. 224. Following this engineering evaluation

and after consultation with its counsel, Sidump'r determined that the trailers do not comply with FMVSS No. 224.

Specifically, Sidump'r has determined that the location of those guards does not meet the requirements of paragraph S5.1.3 of FMVSS No. 224 because there is a "push block" located at the rear of the trailer chassis extending 23.62 inches (600 mm) to the rear of the rear impact guard. Sidump'r stated that it considered the "push blocks" to be the "rear extremities" of the subject trailers. Therefore, it concluded that the rearmost surface of the horizontal members of the rear impact guards are located 11.62 inches (295 mm) too far forward of the "rear extremity" of the trailers to conform with the requirements of paragraph S5.1.3.

Sidump'r also examined the possibility of the "push block" itself serving as the rear impact guard. It determined that the "push block" itself does not constitute a compliant rear impact guard as originally installed because it exceeds the maximum ground clearance of 22 inches (560 mm) allowed by paragraph S5.1.2 of FMVSS No. 224 by 1.5 inches (38.1 mm).

Sidump'r stated that it has corrected the problem that caused the noncompliance in the trailers they produced after April 20, 2007 by modifying the design of the trailers to incorporate a horizontal member mounted to the underside of the "push block" assembly.

Sidump'r also stated that it believes this noncompliance is inconsequential to motor vehicle safety and that no further corrective action is warranted due to the geometric characteristics of the trailers and the nature of their field usage. Specifically, Sidump'r makes the arguments that the overall level of safety of the subject trailers is equivalent to a compliant trailer because their "push block" is comparable to a compliant rear impact guard based on dimensional considerations, and that the trailers spend a limited amount of time on public roads.

Sidump'r additionally supported its position by citing several previous decisions where NHTSA granted temporary exemptions to FMVSS No. 224 as the result of petitions filed under 49 CFR Part 555 *Temporary Exemption From Motor Vehicle Safety and Bumper Standards* for noncompliances that it considers similar in consequence to those covered in the instant petition.

Sidump'r did not state if it knows of any accidents or other issues associated with this noncompliance.

Interested persons are invited to submit written data, views, and