

New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Telephone: 1-800-647-5527.

- Fax: 202-493-2251.

**Instructions:** All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Privacy Act:** Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://DocketInfo.dot.gov>.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Laurence Long, NHTSA, 1200 New Jersey Avenue, SE., Rm. 48-220, NVS 211, Washington, DC 20590. Mr. Long's telephone number is (202) 366-6281.

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:** Consumer Complaint Information.

**OMB Control Number:** 2127-0008.

**Affected Public:** Individuals and households.

**Abstract:** Pursuant to Chapter 301 of Title 49 of the United States Code, manufacturers of motor vehicles and items of motor vehicle equipment must notify owners and provide a free remedy (i.e., a recall) when it has been determined that a safety-related defect exists in the manufacturer's product. NHTSA investigates possible safety defects and may order recalls. NHTSA solicits information from vehicle owners, which is used to identify and evaluate possible safety-related defects and provide evidence of the existence of such defects.

Consumer complaint information takes the form of a Vehicle Owner's Questionnaire (VOQ), which is a paper, self-addressed mailer that consumers complete. This mailer contains owner information, product information, failed component information, and incident information. It may also take the form of an electronic VOQ containing the same information as identified above, which can be submitted via NHTSA's Internet Web site or by calling the Department of Transportation's Auto Safety Hotline. Or, it may take the form of a consumer letter. All consumer complaint information, in addition to other sources of available information, is entered into the agency's database and reviewed by NHTSA staff to determine whether a safety-related defect trend or catastrophic failure is developing that would warrant the opening of a safety defect investigation.

**Estimated Annual Burden:** 8,657 hours.

**Estimated Number of Respondents:** 34,626.

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.

**Kathleen Demeter,**

*Director, Office of Defects Investigation.*

[FR Doc. E8-990 Filed 1-18-08; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Petition

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

**ACTION:** Denial of petition for rulemaking, defect, and noncompliance order, and denial of petition for hearing on notification and remedy of a safety related defect.

**SUMMARY:** This notice sets forth the reasons for the denials of two petitions submitted by Mr. Robin R. Harrill (petitioner). The first petition requested that the National Highway Traffic Safety Administration (NHTSA) order Polaris Industries, Inc. (Polaris) to assume all owner costs incurred to replace defective third gear assemblies on certain model year 1999 through 2001 Victory V92 motorcycles it manufactured. The second petition requested the NHTSA hold a hearing concerning the company's alleged failure to remedy the defective third gear assemblies on those motorcycles. Both petitions are denied as moot. Polaris has, since the filing of this petition, notified the affected motorcycle owners of the defect, and has made a free remedy available to those owners, including the petitioner, and has reimbursed all owners who had the recall repair work completed prior to the initiation of the recall.

**FOR FURTHER INFORMATION CONTACT:** Jennifer T. Timian, Recall Management Division (NVS-215), Office of Defects Investigation, NHTSA, 1200 New Jersey Ave., SE., Washington, DC 20590, telephone (202) 366-0209.

**SUPPLEMENTARY INFORMATION:**

## Background

On August 4, 2006, Polaris filed a defect information report (06V-298) with NHTSA, notifying it that some of its 2001 Victory V92 motorcycles and some of its 1999-2000 Victory V92 motorcycles that received a transmission replacement last built in 2001 contained a safety-related defect. According to Polaris, under certain conditions, these motorcycles could experience third gear failures that could result in a lock-up of the transmission. This, in turn, could cause a loss of control and a crash. Polaris reported that it was planning to install a rear sprocket damper assembly to correct for the possible third gear failures, but that the schedule for implementing the remedy campaign was still under development. Subsequently, on November 22, 2006, Polaris issued a letter to the affected owners notifying them of the defect and stating that limited numbers of kits needed to repair the motorcycles (referred to as "Rear Sprocket Cushion Drive Kits") were expected to be distributed the week of December 18, 2006. Owners were instructed to contact Victory dealers to schedule repair appointments.

During the final stages of testing, however, Polaris found that the remedy kits were not sufficient to address the risk of third gear failures, and therefore additional work was needed to develop a better remedy. Polaris advised the agency of its finding and the resulting delay in delivery of remedy kits in January, 2007.

On March 8, 2007, NHTSA received a package containing two petitions from Robin R. Harrill. The first petition, captioned a "Petition for Rulemaking, Defect, and Noncompliance Order," requested that NHTSA order Polaris to assume all costs motorcycle owners may have incurred to replace the third gear assemblies on the affected motorcycles. The second petition, captioned a "Petition for Hearing on Notification and Remedy of Defects," requested a hearing to address Polaris's alleged failure to meet its obligation to remedy those defective assemblies.

The crux of both petitions is that Polaris has been unreasonably slow in making the Rear Sprocket Cushion Drive Kits available to owners and dealers. In support of his petitions, Mr. Harrill provided a timeline of events concerning the recall, an account of certain conversations he had with various Polaris personnel, and summaries of various communications Polaris had issued as to the status and availability of the kits.

In the meantime, and at the agency's request, Polaris prepared another notification letter for owners. On or about April 20, 2007, NHTSA received a draft of this letter together with an amended defect information report. Polaris stated in its report that this second owner notification mailing was to start April 30, 2007. Polaris further reported that it was going to simultaneously publish on its Web site a reminder notification to dealers about the recall, together with a parts availability date. Both of these actions took place.

In mid-May, 2007, the remedy kits for the affected motorcycles were made available to dealers.

## Decision

The filing and disposition requirements for petitions for rulemaking, defect, and noncompliance orders, are found in 49 CFR part 552. The stated scope of part 552 is to, among other things, allow interested persons to request the agency "make a decision that a motor vehicle \* \* \* contains a defect which relates to motor vehicle safety." 49 CFR 552.1. The stated scope of Part 552 does not include ordering manufacturers to reimburse owners for their costs in remedying defective motor vehicles, or taking any other action related to repairing or replacing defective motor vehicles or motor vehicle equipment.

Here, Polaris has already admitted that its vehicles have a defect that relates to motor vehicle safety. Therefore, the issue of whether the Polaris motorcycles in question have a safety-related defect has been resolved, and so any agency determination mirroring the manufacturer's decision would be meaningless.

The filing and disposition requirements for petitions for hearings on notification and remedy of defects, are found in 49 CFR part 557. One of the stated purposes of part 557 is to enable NHTSA to respond to petitions for hearings on whether a manufacturer has reasonably met its obligation to remedy a safety-related defect identified in its product. 49 CFR 557.2. Pursuant to 49 CFR 557.8, a manufacturer can be ordered to take certain actions to ensure its compliance with the recall requirements. One such action could be requiring the manufacturer to reimburse owners' costs for their independent repairing or replacing of equipment in order to fix a defect.

In deciding whether to grant petitioner's second petition, we have taken into consideration the nature of his complaint and the seriousness of the alleged breach of Polaris's obligation to

remedy. We have also considered that there have been approximately eight owner complaints to NHTSA (including one the petitioner filed) about the delays in repair due to the lack of availability of the Rear Sprocket Cushion Drive Kits at local dealerships.

Based on our consideration of these factors, we have determined that any hearing related to the reasonableness of the remedy would be moot because the alleged problem—delays in repair kits needed to fix the transmission defect—has been resolved. Polaris has delivered the kits to its dealers and all owners have been notified of the defect.<sup>1</sup>

For all of the reasons above, this petition is denied. This decision does not, of course, prevent the agency from taking future action if warranted.

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

Issued on January 15, 2008.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### Office of Hazardous Materials Safety; Notice of Delays in Processing of Special Permits Applications

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications Delayed more than 180 days.

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Delmer F. Billings, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH-30, 1200 New Jersey Avenue, SE., Washington, DC 20590-4535.

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<sup>1</sup> In phone calls with the agency, the petitioner reported that he had received a call from his dealer letting him know the repair kits had arrived and offering to schedule an appointment for a repair. He also reported that he no longer owns a motorcycle involved in the remedy campaign addressed by this notice.