

keeping in mind all the elements of the highway program (need, funding, environmental impacts, public involvement, etc.).

Reduction of highway traffic noise should occur through a program of shared responsibility with the most effective strategy being implementation of noise compatible planning and land use control strategies by state and local governments. Local governments can use their power to regulate land development to prohibit noise-sensitive land use development adjacent to a highway, or to require that developers plan, design, and construct development in ways that minimize noise impacts. The FHWA noise regulations limit Federal participation in the construction of noise barriers along existing highways to those projects proposed along lands where land development or substantial construction predated the existence of any highway.

The data reflects the flexibility in noise abatement decision-making. Some states have built many noise barriers while a few have built none. Through the end of 2010, 47 SDOTs and the Commonwealth of Puerto Rico have constructed over 2,748 linear miles of barriers at a cost of over \$4.05 billion (\$5.44 billion in 2010 dollars). Three states and the District of Columbia have not constructed noise barriers. Ten SDOTs account for approximately sixty-two percent (62%) of total barrier length and sixty-nine percent (69%) of total barrier cost. The type of information requested can be found in 23CFR772.13(f).

The previously distributed listing can be found at [http://www.fhwa.dot.gov/environment/noise/noise\\_barriers/inventory/summary/sintro7.cfm](http://www.fhwa.dot.gov/environment/noise/noise_barriers/inventory/summary/sintro7.cfm). This listing continues to be extremely useful in the management of the highway traffic noise program, in our technical assistance efforts for State highway agencies, and in responding to inquiries from congressional sources, Federal, State, and local agencies, and the general public. An updated listing of noise barriers will be distributed nationally for use in the highway traffic noise program. It is anticipated that this information will be requested in 2014 (for noise barriers constructed in 2011, 2012 and 2013) and then again in 2017 (for noise barriers constructed in 2014, 2015 and 2016). After review of the "Summary of Noise Barriers Constructed by December 31, 2004" document, a SDOT may request to delete, modify or add information to any calendar year.

*Respondents:* Each of the 50 SDOTs, the District of Columbia, and the Commonwealth of Puerto Rico.

*Frequency:* Every 3 years.

*Estimated Average Burden per Response:* It is estimated that on average it would take 8 hours to respond to this request.

*Estimated Total Annual Burden Hours:* It is estimated that the estimated total annual burden is 139 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: June 7, 2013.

**Michael Howell,**

*Information Collection Officer.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0024; Notice 2]

#### Supreme Indiana Operations, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of Petition.

**SUMMARY:** Startrans, a division of Supreme Indiana Operations, Inc., (Startrans)<sup>1</sup> has determined that certain Startrans trucks, buses, and multifunction school activity buses (MFSAB) manufactured from 2006 through 2011, do not fully comply with paragraph § 5.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than*

*4,536 kilograms (10,000 pounds).*

Startrans has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, dated November 16, 2011.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Startrans 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 Startrans's petition was published, with a 30-day public comment period, on March 22, 2012, in the **Federal Register** (77 FR 16893). 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-2012-0024."

**Contact Information:** For further information on this decision, contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-1018.

**Vehicles Involved:** Affected are approximately 436 MFSAB (Activity School Buses) manufactured between 2007 and 2011, 9,543 School Buses manufactured between 2007 and 2011, 97,271 Truck models manufactured between 2006 and 2011, for a total of approximately 107,250 vehicles not in compliance with FMVSS No. 120.

**Summary of Startrans' Analysis and Arguments:** Startrans explains that the noncompliance is that the height of the lettering on the combined certification and tire information labels attached to the subject vehicles is less than that required by paragraph § 5.3 of FMVSS No. 120. The lettering on the noncompliant labels is only 2.12 millimeters (mm) in height. The height required by paragraph § 5.3 is 2.4 mm.

Startrans determined that the subject noncompliance existed after being notified by the NHTSA's Office of Vehicle Safety Compliance (OVSC) that an apparent noncompliance was identified during an OVSC FMVSS No. 120 compliance test of a model year 2010 Startrans MFSAB.

Startrans makes the argument that the subject noncompliance is not performance related and is inconsequential to vehicle safety. The font height of the text on the certification label is just 0.28 mm less than the requirement, but the label text is clear, legible and meets all the other labeling requirements.

<sup>1</sup> Supreme Indiana Operations, Inc., is manufacturer of motor vehicles and is registered under the laws of the state of Delaware.

Startrans also states that the number of vehicles that potentially require remedy is 107,250 and represents several concerns. These vehicles are already registered and currently represent no concern with licensing. To perform a remedy on this many vehicles invites the possibility of certification decals being reinstalled on the wrong vehicles.

Startrans has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 120.

In summation, Startrans believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

*Background Requirement:* Section § 5.3 of FMVSS No. 120 specifically states:

**§ 5.3 Each vehicle shall show the information specified in § 5.3.1 and § 5.3.2 and, in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in § 5.3.3, in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this paragraph. This information shall appear either—**

(a) After each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter; or at the option of the manufacturer,

(b) On the tire information label affixed to the vehicle in the manner, location, and form described in § 567.4 (b) through (f) of this chapter as appropriate of each GVWR-GAWR combination listed on the certification label.

*NHTSA Decision:* NHTSA has reviewed and accepts Startrans analyses that the noncompliance is inconsequential to motor vehicle safety. In addition, NHTSA has verified that the certification and tire labels do comply with all other safety performance requirements of FMVSS No. 120. NHTSA agrees that, despite the lettering size discrepancy, the labels are clear and legible.

In consideration of the foregoing, NHTSA has determined that Startrans has met its burden of persuasion that the subject FMVSS No. 120 labeling noncompliance is inconsequential to motor vehicle safety. Accordingly, Startrans' petition is hereby granted, and Startrans is exempted from the obligation of providing notification of, and remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to approximately 107,250 vehicles that Startrans no longer controlled at the time that it determined that a noncompliance existed in the subject vehicles. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Startrans notified them that the subject noncompliance existed.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at CFR 1.95 and 501.8)

Issued On: June 5, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0006; Notice 2]

#### General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of Petition.

**SUMMARY:** General Motors, LLC (GM), has determined that certain model year 2012; Cadillac SRX, Chevrolet Equinox, GMC Terrain and Saab 9-4x multipurpose passenger vehicles, and Chevrolet Cruze passenger cars, do not fully comply with paragraph § 19.2.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection*. GM has filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, dated September 6, 2011.

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 GM's petition was published, with a 30-day public comment period, on August 9, 2012, in the **Federal Register** (77 FR 47697). No comments were received. To view the petition, the comments, 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-2012-0006."

For further information on this decision, contact Mr. Charles Case, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366-5319.

*Vehicles Involved:* Affected are approximately 3,599 Cadillac SRX, 11,459 Chevrolet Equinox, 5,080 GMC Terrain and 24 Saab 9-4x multipurpose passenger vehicles; and 27,392 Chevrolet Cruze passenger cars, a total of approximately 47,554 vehicles not in compliance with FMVSS No. 208. All of the vehicles are model year 2012 and were manufactured within the period from April 6, 2011 through August 20, 2011.

*Summary of GM's Analysis and Arguments:* GM explained that the noncompliance is that on rare occasions, the front passenger air bag suppression status telltale lamp on the subject vehicles may remain illuminated during a particular ignition cycle and indicate that the passenger air bag is OFF regardless of whether the air bag is or is not suppressed.

GM further explains that for this noncompliance condition to exist, the following must occur:

- (1) The engine must be restarted within approximately 24 seconds of having been turned OFF;
- (2) The key<sup>1</sup> must be turned rapidly, spending less than 10 milliseconds (0.01 seconds) in the RUN position before it reaches the START position; and
- (3) The crank power mode (approximately how long the starter motor runs) must be less than 1.2 seconds. GM's data predicts that the conditions for a noncompliance to occur will happen, on average, approximately once every 18 months, independent of whether the front seat is occupied or not.

GM stated its belief that this noncompliance is inconsequential to motor vehicle safety for the following reasons:

A. The noncompliance does not increase the risk to motor vehicle safety because it has no effect on occupant

<sup>1</sup> Cadillac SRX and Saab 9-4X vehicles have a push button start/stop switch.