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: April 17, 2008.

Ann M. Linnertz,

Associate Administrator for Administration.

[FR Doc. E8–8992 Filed 4–24–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2007–0042; Notice 2]

General Motors Corporation, Grant of Petition for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain model year 2005, 2006 and 2007 Cadillac STS passenger cars equipped with sunroofs do not fully comply with paragraph S4(e) of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118, *Power-Operated Window, Partition, and Roof Panel Systems.* On October 3, 2007, GM filed an appropriate report pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* identifying approximately 60,042 model year 2005, 2006 and 2007 Cadillac STS passenger cars that do not comply with the paragraph of FMVSS No. 118 cited above.

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 the petition was published, with a 30-day public comment period, on December 10, 2007 in the **Federal Register** (72 FR 69727). 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–2007–0042.''

For further information on this decision, contact Mr. Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 493–0073.

GM certified these vehicles to paragraph S4(e) of 49 CFR 571.118, which requires in pertinent part:

> S4. Operating requirements. * * * power operated window, partition, or roof panel systems may be closed only in the following circumstances: * * *
>
> (e) During the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors;

GM explains that for 60 seconds after the vehicles are started, if the engine is turned off and a front door is opened, the sunroof module software allows the sunroof to be closed if someone in the vehicle activates the control switch. If more than 60 seconds elapses from the starting of the vehicle, this condition will not occur.

GM stated that it is not aware of any incidents or injury related to the subject condition.

GM included an analysis of the risk associated with the subject condition and a detailed explanation of the reasons why it believes the noncompliance to be inconsequential to motor vehicle safety.

In summary, GM states that for all of the subject vehicles:

- The subject condition affects only the sunroof, not the power windows.
- The subject condition requires multiple actions that must occur within a 60 second time period. First, the following sequence of actions must occur: driver starts engine, driver turns off engine, and driver or front passenger opens a front door. After this sequence of actions and still within the 60 second time frame, occupants must take additional actions: Push the sunroof close switch and position an occupant to create the risk of sunroof entrapment. All of these actions must occur within one 60 second time frame.
- If the sunroof switch is pushed steadily and then released, the sunroof promptly stops moving.
- The sunroof incorporates an auto-reverse system. This system will activate whenever the sunroof is closing in the express close mode. Therefore, sunroof entrapment requires the completion of the initial sequence of engine start/engine stop/front door open actions, and also requires an occupant to press and hold the sunroof closure switch and position an occupant within the sunroof—all within the 60 second window and in such a manner that the auto-reverse is not effective in preventing sunroof entrapment.
- The Agency has granted similar petitions in the past.
- GM is not aware of any injures or incidents related to the subject condition.

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

NHTSA Decision

The following explains our rationale.

The purpose of paragraph S4 of FMVSS No. 118 is to minimize the likelihood of death or injury to occupants from accidental operation of power windows, partitions, and roof panels. We believe that this noncompliance is inconsequential to motor vehicle safety for a number of reasons. It is very unlikely that the entire sequence of events—starting the engine, turning the engine off, opening a front door, a person becoming positioned in the sunroof opening, and pushing the sunroof close button—will occur in less than 60 seconds. We also believe that the risk exposure time is likely further reduced as the sunroof, normally closed at the time of engine start, would have to first be opened then closed, with the opening time subtracted from the 60 second interval.

The noncompliant situation does not involve power windows, where entrapment is rare but a realistic possibility. Power window openings are physically more accessible to occupants than the sunroof opening and thus present a higher risk of entrapment to persons in the vehicle, especially unattended occupants (normally children).

The subject vehicle sunroof can be closed either by continuous actuation of the sunroof switch, or by a momentary touch and release of the same switch which initiates an express-close mode. In the first mode, the sunroof ceases movement upon release of the switch. This allows immediate operator sunroof closure control minimizing the entrapment risk. During the express-close mode, the vehicle incorporates an auto-reverse feature that is designed to reverse sunroof motion before it can exert a force of 100N (22.5lbf.) or more on a foreign object or person. We believe this added feature will further minimize the risk of entrapment to an occupant (normally a child).

Lastly, GM indicates that it is not aware of any injuries, owner complaints

or field reports related to this noncompliance.

Based on the above, NHTSA has decided that GM has met its burden of persuasion that the sunroof noncompliance described is inconsequential to motor vehicle safety. Accordingly, GM's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliances under 49 U.S.C. 30118 and 30120.

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

Issued on: April 18, 2008.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E8–8989 Filed 4–24–08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2008–0067; Notice 1]

Automobili Lamborghini SpA, Receipt of Petition for Decision of Inconsequential Noncompliance

Automobili Lamborghini SpA (Lamborghini), has determined that certain vehicles that it manufactured during the period June 8, 2007 to December 18, 2007, did not fully comply with paragraph S5.5 of 49 CFR 571.205 Federal Motor Vehicle Safety Standards (FMVSS) No. 205 *Glazing Materials*. Lamborghini 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) (see implementing rule at 49 CFR part 556), Lamborghini 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 Lamborghini'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 152 model year 2008 Lamborghini Gallardo Superleggera coupe passenger cars produced during the period June 8, 2007 to December 18, 2007. Paragraph S5.5 of 49 CFR 571.205 requires in pertinent part that:

S5.5 Item 4A Glazing. Item 4A glazing may be used in all areas in which Item 4 safety glazing may be used, and also for side windows rearward of the ''C'' pillar. I.e., Item 4A glazing may be used under Item 4A paragraph (b) of ANSI/SAE Z26.1–1996 only in side windows rearward of the ''C'' pillar.

Lamborghini explained that due to a configuration mistake on the production line an incorrect component made of polycarbonate (item 4A glazing) was used in the rear windows of certain U.S. version coupes (hardtops). Lamborghini further explained that based on the requirements of paragraph S5.5 of FMVSS No. 205 item 4A glazing is permitted in European specification vehicle rear windows and in U.S. convertible rear windows, but not in U.S. coupe (hardtop) rear windows.

Lamborghini stated its belief that the reason why FMVSS No. 205 excludes item 4A from the rear windows of coupe (hardtop) vehicles is twofold:

(1) The breaking of rigid plastic windows in a crash could leave sharp, pointed shards in the window frame which could easily be contacted by an occupant's head. There is also concern about occupant injury resulting from large shards of rigid plastic glazing being propelled inward by vehicle impacts with trees, poles, or other vehicles.

(2) Second, The reduction in visibility through rear windows using plastic glazing due to abrasion and weathering creates significant safety concerns because a driver may have insufficient visibility to avoid a crash in the first place.

Lamborghini also stated that it believes the noncompliance is inconsequential to motor vehicle safety in the case of the Superleggera because neither of the safety concerns discussed above is present because:

(1) The use of polycarbonate glazing creates no greater danger because FMVSS No. 201 conformance testing has shown that a passenger head cannot physically contact the rear window given its small size and location. Also, the rear window is so small and located in a protected position between the ''buttresses'' of the vehicle's roof such that impacts with trees, poles, or other vehicles, would not create the danger of posed by large shards.

(2) Reduction in visibility due to abrasion and weathering is not an issue with the Superleggera. In this vehicle, the driver's rear visibility is based on the twin rear side mirrors. Even with no abrasion or weathering, the design of the vehicle (and in particular the ''buttresses'' of the roof) precludes a large degree of rearward visibility. Lamborghini additionally states that it believes that this situation is common for performance sports cars.

Lamborghini further explains that in its opinion NHTSA has previously given other reasons that a noncompliance similar to the instant one are inconsequential to motor vehicle safety including:

(1) Such a noncompliance is ''expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers.''

(2) Under FMVSS No. 205, item 4A glazing is permitted in the rear window of a ''convertible'', including hardtop convertibles.

(3) NHTSA previously held that as regards an exotic vehicle, a noncompliance is inconsequential because the vehicle at issue was not an ordinary passenger automobile designed for daily use, not designed to be used as a family's primary passenger vehicle, and more of a collector's piece, produced in very low numbers and driven a low number of miles.

Lamborghini additionally states that no customer complaints related to this noncompliance have been received.

Lamborghini requested that NHTSA consider its petition and grant an exemption from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act on the basis that the noncompliance described above is inconsequential as it relates to motor vehicle safety.

Lamborghini also states that it has corrected the problem that caused these errors so that they will not be repeated in future production.

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.

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