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(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as “SUBMITTED IN CONFIDENCE” at the top and bottom of the cover page and each succeeding page; and

(3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to [www.regulations.gov](http://www.regulations.gov). The non-confidential summary will be placed in the docket and open to public inspection.

Pursuant to section 127(e) of the Uruguay Round Agreements Act (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding accessible to the public at [www.regulations.gov](http://www.regulations.gov), docket number USTR 2012–0005. The public file will include non-confidential comments received by USTR from the public with respect to the dispute. If a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute, will be made available to the public on USTR’s Web site at [www.ustr.gov](http://www.ustr.gov), and the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, [www.wto.org](http://www.wto.org). Comments open to public inspection may be viewed on the [www.regulations.gov](http://www.regulations.gov) Web site.

**Bradford Ward,**

*Acting Assistant United States Trade Representative for Monitoring and Enforcement.*

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**BILLING CODE 3190–W2–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA–2012–0006–N–4]

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than June 4, 2012.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590, or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, “Comments on OMB control number 2130–\_\_\_\_.” Alternatively, comments may be transmitted via facsimile to (202) 493–6216 or (202) 493–6497, or via email to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Toone at [kimberly.toone@dot.gov](mailto:kimberly.toone@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for

reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of eight currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*OMB Control Number:* 2130–0006.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses.

*Form Number(s):* N/A.

*Abstract:* The regulations pertaining to railroad signal systems are contained in 49 CFR parts 233 (Signal System Reporting Requirements), 235 (Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System), and 236 (Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Systems, Devices, and Appliances). Section 233.5 provides that each railroad must report to FRA within 24 hours after learning of an accident or incident arising from the failure of a signal appliance, device, method, or

system to function or indicate as required by Part 236 of this Title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Section 233.7 sets forth the specific requirements for reporting signal failures within 15 days in accordance with the instructions printed on Form FRA F 6180.14. Finally, Section 233.9 sets forth the specific requirements for the "Signal System Five Year Report." It requires that every five years each railroad must file a signal system status report. The report is to be prepared on a form issued by FRA in accordance with the instructions and definitions provided. Title 49, Part 235 of the Code of Federal Regulations, sets forth the specific conditions under which FRA approval of modification or discontinuance of railroad signal systems is required and prescribes the methods available to seek such approval. The application process prescribed under Part 235 provides a vehicle enabling FRA to obtain the necessary information to make logical and informed decisions concerning carrier requests to modify or discontinue signaling systems. Section 235.5 requires railroads to apply for FRA approval to discontinue or materially modify railroad signaling systems. Section 235.7 defines material modifications and identifies those changes that do not require agency approval. Section 235.8 provides that

any railroad may petition FRA to seek relief from the requirements under 49 CFR part 236. Sections 235.10, 235.12, and 235.13 describe where the petition must be submitted, what information must be included, the organizational format, and the official authorized to sign the application. Section 235.20 sets forth the process for protesting the granting of a carrier application for signal changes or relief from the rules, standards, and instructions. This section provides the information that must be included in the protest, the address for filing the protest, the item limit for filing the protest, and the requirement that a person requesting a public hearing explain the need for such a forum. Section 236.110 requires that the test results of certain signaling apparatus be recorded and specifically identify the tests required under sections 236.102–109; sections 236.377–236.387; sections 236.576; 236.577; and section 236.586–589. Section 236.110 further provides that the test results must be recorded on pre-printed or computerized forms provided by the carrier and that the forms show the name of the railroad, place and date of the test conducted, equipment tested, test results, repairs, and the condition of the apparatus. This section also requires that the employee conducting the test must sign the form and that the record be retained at the office of the supervisory official having the proper authority. Results of tests made in

compliance with sections 236.587 must be retained for 92 days, and results of all other tests must be retained until the next record is filed, but in no case less than one year. Additionally, section 236.587 requires each railroad to make a departure test test of cab signal, train stop, or train control devices on locomotives before that locomotive enters the equipped territory. This section further requires that whoever performs the test must certify in writing that the test was properly performed. The certification and test results must be posted in the locomotive cab with a copy of the certification and test results retained at the office of the supervisory official having the proper authority. However, if it is impractical to leave a copy of the certification and test results at the location of the test, the test results must be transmitted to either the dispatcher or one other designated official who must keep a written record of the test results and the name of the person performing the test. All records prepared under this section are required to be retained for 92 days. Finally, section 236.590 requires the carrier to clean and inspect the pneumatic apparatus of automatic train stop, train control, or cab signal devices on locomotives every 736 days, and to stencil, tag, or otherwise mark the pneumatic apparatus indicating the last cleaning date.

#### *Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
233.5—Reporting of accidents .....	754 railroads .....	10 phone calls .....	30 minutes .....	5
233.7—False proceed signal failures report .....	754 railroads .....	100 reports .....	15 minutes .....	25
233.9—Signal System Five Year Report .....	754 railroads .....	754 reports .....	60 minutes .....	754
235.5—Block signal applications .....	80 railroads .....	111 applications .....	10 hours .....	1,110
235.8—Applications for relief .....	80 railroads .....	24 relief requests .....	2.5 hours .....	60
235.20—Protest letters .....	80 railroads .....	50 protest letters .....	30 minutes .....	25
236.110—Record keeping .....	80 railroads .....	936,660 forms .....	27 minutes/ .....	393,397
			15 minutes .....	
236587—Departure tests .....	18 railroads .....	730,000 tests .....	4 minutes .....	48,667
236.590—Pneumatic valves .....	18 railroads .....	6,697 stencilings/tags ..	22.5 minutes .....	2,511

*Total Estimated Responses:* 1,674,406.  
*Total Estimated Annual Burden:* 446,554 hours.

*Status:* Regular Review.

*Title:* U.S. DOT Crossing Inventory Form.

*OMB Control Number:* 2130–0017.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses.

*Form Number(s):* FRA F 6180.71.

*Abstract:* Form FRA F 6180.71 is a voluntary form, and is used by States and railroads to periodically update certain site specific highway-rail crossing information which is then

transmitted to FRA for input into the National Inventory File. This information has been collected on the U.S. DOT–AAR Crossing Inventory Form (previous designation of this form) since 1974 and maintained in the National Inventory File database since 1975. The primary purpose of the National Inventory File is to provide for the existence of a uniform database which can be merged with accidents data and used to analyze information for planning and implementation of crossing safety programs by public, private, and governmental agencies

responsible for highway-rail crossing safety. Following the official establishment of the National Inventory in 1975, the Federal Railroad Administration (FRA) assumed the principal responsibility as custodian for the maintenance and continued development of the U.S. DOT/AAR National Highway-Rail Crossing Inventory Program. The major goal of the Program is to provide Federal, State, and local governments, as well as the railroad industry, information for the improvement of safety at highway-rail crossings. Good management practices

necessitate maintaining the database with current information. The data will continue to be useful only if maintained and updated as inventory changes occur. FRA previously cleared the reporting and recordkeeping burden for

this form under Office of Management and Budget (OMB) Clearance Number 2130-0017. OMB approved the burden for this form through July 31, 2006. FRA is requesting a new three year approval

from OMB for this information collection.

*Respondent Universe:* 754 Railroads.

*Frequency of Submission:* On occasion; monthly.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Crossing Inventory—Forms .....	754 railroads .....	3,820 forms .....	30 minutes .....	1,910
Crossing Inventory—Mass Update Printouts .....	754 railroads .....	269 printouts (4,625 updated records).	30 minutes .....	135
Crossing Inventory—Disc/Tape (non-GX) .....	754 railroads .....	650 discs/tapes (95,666 records updated).	30 minutes .....	325
Crossing Inventory—GX 32 Electronic Updates	754 railroads .....	12,848 records updated	6 minutes .....	1,285
Special Mass Changes .....	754 railroads .....	36,679 records updated	Automatic .....	0

*Total Responses:* 153,638.

*Estimated Total Annual Burden:* 3,655 hours.

*Status:* Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Dated: Issued in Washington, DC, on March 29, 2012.

**Rebecca Pennington,**

*Director, Office of Financial Management, Federal Railroad Administration.*

[FR Doc. 2012–8007 Filed 4–3–12; 8:45 am]

**BILLING CODE** 4910–06–P

Vehicle Control Systems (Meritor WABCO) ABS Modulator valves fail to meet the requirements of paragraph S5.3.4.1(a) of Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems*. VTN and MTI filed appropriate reports pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*; the original submissions were dated April 30, 2010, and corrected versions were dated May 28, 2010.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), VTN and MTI have 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 VTN and MTI's petitions was published, with a 30-day public comment period, on December 8, 2010, in the **Federal Register** (75 FR 76518). One comment was received from Meritor WABCO, the equipment manufacturer who manufactured the component that is the source of the subject noncompliance. Subsequent to receiving the comment, the NHTSA Office of Vehicle Safety Compliance (OVSC) requested, and NAT provided, information that supplements the data, views and arguments included in the VTN and MTI petitions. To view the petitions, comment and all supporting documents log onto the Federal Docket Management System Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number “NHTSA–2010–0160.”

**Contact Information:** For further information on this decision, contact Mr. James Jones, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5294, facsimile (202) 366–7002.

*Summary OF VTN's and MTI's*

*Petitions:* VTN stated that the affected Volvo VNL, VNM, and VHD model trucks were manufactured from March 1, 2007 through December 11, 2009. A total of 1,916 affected Volvo trucks were manufactured of which 1,763 were sold in the U.S.

MTI stated that the affected Mack CHU, CXU and GU model trucks were manufactured from March 1, 2007, through December 11, 2009. A total 1,287 affected Mack trucks were manufactured of which 1,202 were sold in the U.S.

Only the trucks sold in the United States are the subject of their petition.

VTN and MTI state that the noncompliance is that the quick release service brake function for brakes mounted on the vehicle front steer axle may not activate properly during FMVSS No. 121 brake pressure release certification testing due to an internal component variation in certain Meritor WABCO ABS modulator valves installed on the subject vehicles. As a result, certain vehicles may not comply with the FMVSS No. 121 brake pressure release timing requirement as specified in S5.3.4.1(a). However, VTN and MTI indicate that they do not believe that this issue has any effect on the ABS performance of the brake system.

VTN and MTI also state that they have taken steps to correct the noncompliance in future production.

VTN and MTI rely on the test report submitted with the petition to support their contention that the described FMVSS No. 121 noncompliance is inconsequential to motor vehicle safety.

VTN and MTI believe that their petitions, to exempt them 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.

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0160; Notice 2]

### Volvo Trucks North America and Mack Trucks, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Notice of Petition Grant.

**SUMMARY:** North American Trucks (NAT) on behalf of Volvo Trucks North America (VTN) and Mack Trucks, Inc. (MTI) <sup>1</sup> has determined that certain 2008 through 2010 Volvo VHD model, 2008 and 2009 Volvo VHL model, 2008 and 2009 Volvo VNL model, 2008 Volvo VT model, and 2008 through 2010 Mack CHU, CXU and GU model trucks that were built with certain Meritor WABCO

<sup>1</sup> Volvo Trucks North America and Mack Trucks, Inc., are both United States corporations that import and manufacture motor vehicles.