

for inconsequential noncompliance where there has been a complete omission of required tire and/or rim information on the certification label.

Finally, Newell notes that these vehicles have been on the road for up to 12 years, and the company has not received any consumer complaints regarding an inability to read the tire and rim information on the certification label.

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

In summation, Newell states that it believes that because the noncompliances are inconsequential to motor vehicle safety that no corrective action is warranted.

**NHTSA's Analysis and Decision:** Section 5.3 of FMVSS 120 specifically states:

S5.3 Each vehicle shall show the information specified in S5.3.1 and S5.3.2 and, in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, 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) and (b) . . .

NHTSA notes that the certification labels in question are constructed of clear polymer plates that are 3 mm in thickness. Lettering is engraved on the reverse side of the label plate. While the size of the lettering as measured on the back side of the label is only 1.8 mm in height, its apparent height when viewed from the front (intended viewing side) of the label is 2 mm.

The agency agrees with Newell that the certification labels on the subject vehicles are likely to achieve the safety purpose of the tire and rim labeling. First, the tire size, and cold inflation pressure information required by FMVSS No. 120 is correct and contained in the label, and maximum inflation pressure is marked on the tires and the rim size is marked on the rims. Second, based on NHTSA's inspection of the sample nonconforming label provided by Newell, the letters can be easily read. Third, while NHTSA does not agree with Newell's assertion that the owner's manuals and newsletters provide all the information described by Newell, the information provided does supplement the information provided on the subject label. Lastly, NHTSA has elected to not address Newell's assertions on previous petitions for inconsequential noncompliance.

In consideration of the foregoing, NHTSA has determined that Newell has

met its burden of persuasion that the subject FMVSS No. 120 labeling noncompliance is inconsequential to motor vehicle safety. Accordingly, Newell's petition is hereby granted, and Newell is exempted from the obligation of providing notification of, and a 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 456 vehicles that Newell 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 Newell 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: May 1, 2013.

**Claude H. Harris,**  
*Director, Office of Vehicle Safety Compliance.*  
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## DEPARTMENT OF TRANSPORTATION

### Research and Innovative Technology Administration

[Docket Number RITA-2008-0002]

#### Notice of Request for Approval To Continue To Collect New Information: Confidential Close Call Reporting System

**AGENCY:** Bureau of Transportation Statistics (BTS), Research and Innovative Technology Administration (RITA), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, this notice announces that the Bureau of Transportation Statistics (BTS) intends to request the Office of Management and

Budget (OMB) renew the information collection request for the Close Calls project. This data collection effort is in support of a five-year research study aiming at improving rail safety by analyzing information on close calls and other unsafe occurrences in the rail industry. The ongoing research study is conducted by the Office of Human Factors in the Federal Railroad Administration and is designed to identify safety issues and propose corrective actions based on voluntary reports of close calls submitted to BTS. This collection is necessary because data on close calls are not normally reported to the railroad carriers or the Federal Railroad Administration. Continuous data collection for this research project is necessary to develop trends about rail safety and to improve railroad safety on an ongoing basis.

**DATES:** Comments must be received by July 9, 2013.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically. Docket Number: RITA-2008-2002.
- **Mail:** Docket Management Facility (DMF), U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- **Hand Delivery:** Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

- **Fax:** (202) 493-2251.

Identify all transmission with "Docket Number RITA-2008-0002" at the beginning of each page of the document.

**Instructions:** All comments must include the agency name and docket number for this notice. Paper comments should be submitted in duplicate. The DMF is open for examination and copying, at the above address from 9 a.m. to 5 p.m. EST, Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on Docket RITA-2008-0002." The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that all comments received, including any personal information, will be posted and will be available on the Internet users, without change, at [www.regulations.gov](http://www.regulations.gov). You may review

DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; pages 19477-78) or you may review the Privacy Act Statement at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

Demetra V. Colia, Bureau of Transportation Statistics, Research and Innovative Technology Administration, U.S. Department of Transportation, Office of Advanced Studies, RTS-31, E324-302, 1200 New Jersey Avenue SE., Washington, DC 20590-0001; Phone No. (202) 366-1610; Fax No. (202) 366-3383; email: [demetra.colia@dot.gov](mailto:demetra.colia@dot.gov). Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

**Data Confidentiality Provisions:** The confidentiality of Close Calls data is protected under the BTS confidentiality statute (49 U.S.C. 111(k)) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Public Law 107-347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to FRA or any other public or private entity any information that might reveal the identity of individuals or organizations mentioned in close call reports.

**SUPPLEMENTARY INFORMATION:**

**I. The Data Collection**

The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR Part 1320 require each Federal agency to obtain OMB approval to continue an information collection activity. BTS is seeking OMB approval for the following BTS information collection activity:

**Title:** Confidential Close Call Reporting System.

**OMB Control Number:** 2139-0010.

**Type of Review:** Approval to continue to collect new information: Confidential Close Call Reporting System (C<sup>3</sup>RS).

**Respondents:** Employees of selected (pilot) railroad sites.

**Number of Respondents:** 3,100 (per annum).

**Estimated Time per Response:** 0.50 hours.

**Frequency:** Intermittent for approximately two (2) years. (Reports are submitted when there is a qualifying event, *i.e.* a close call occurs within a pilot site. The frequency of such an event is estimated to be two per day.)

**Total Annual Burden:** 365.00 hours.

**II. Background**

Collecting data on the nation's transportation system is an important

component of BTS' mission and responsibility to the transportation community as stated in its authorizing statute (49 U.S.C. 6302). BTS and FRA share a common interest in promoting rail safety based on better data. To that end, FRA's Office of Safety is sponsoring the Confidential Close Call Reporting System (C<sup>3</sup>RS) Demonstration Project to investigate the effectiveness of such a data collection system in improving rail safety. The data collection phase of this study was initiated in February, 2007 and is scheduled to continue for approximately 2 more years.

A close call represents a situation in which an ongoing sequence of events was stopped from developing further, preventing the occurrence of potentially serious safety-related consequences. This might include the following: (1) Events that happen frequently, but have low safety consequences; (2) events that happen infrequently but have the potential for high consequences (e.g., a train in dark territory proceeds beyond its authority); (3) events that are below the FRA reporting threshold (e.g., an event that causes a minor injury); and (4) events that are reportable to FRA but have the potential for a far greater accident than the one reported (e.g., a slow speed collision with minor damage to the equipment and no injuries.)

Employees involved in reporting a close call incident will be asked to fill out a report and participate in a brief, confidential interview. Employees will have the option to mail or submit the report electronically to BTS. Participants will be asked to provide information such as: (1) Name and contact information; (2) time and location of the event; (3) a short description of the event; (4) contributing factors to the close call; and (5) any other information that might be useful in determining a root cause of such event.

BTS collects close call reports submitted by railroad employees and protects the confidentiality of these data through its own statute (49 U.S.C. 6302(i)) and the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA). In addition, BTS is developing an analytical database containing the reported data and other pertinent information to determine root causes of frequently reported close calls. The database is a valuable tool to railroad carriers and the FRA in their effort to identify safety issues and provide corrective measures before an accident occurs.

Voluntary reporting of close calls to a confidential system can provide a tool

to identify and correct weaknesses in railroad safety systems before an accident actually occurs. The C<sup>3</sup>RS demonstration project offers a voluntary, cooperative, non-punitive environment to communicate safety concerns. Through the analysis of close calls the FRA and the railroad community receive information about factors that may contribute to unsafe events and the error recovery mechanisms that prevented an adverse consequence from occurring. Such information is used to develop new training programs, identify root causes of potentially adverse events, assess risk and allocate resources to address those risks more efficiently. In addition, the database provides rail safety researchers with valuable information regarding precursors to safety risks and contributes to research and development of intervention programs aimed at preventing accidents and fatalities.

**III. Request for Comments**

BTS requests comments on any aspects of these information collections, including: (1) The accuracy of the estimated burden of 365 hours detailed in Section I; (2) ways to enhance the quality, usefulness, and clarity of the collected information; and (3) ways to minimize the collection burden without reducing the quality of the information collected, including additional use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on May 3, 2013.

**Patricia Hu,**

*Director, Bureau of Transportation Statistics, Research and Innovative Technology Administration.*

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**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

**Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Disclosure of Financial and Other Information by National Banks**

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information