

version in the English language as required by FMVSS No. 225, it is inconsequential as it relates to motor vehicle safety for the following reasons:

1. All affected owner's manuals contain accurate Spanish translations of the information.

2. In Puerto Rico, Spanish is the universally prevalent language. According to a U.S. Census done by the Census Bureau in 2010, 95.7% of the Puerto Rico's population speaks Spanish as their primary language.

3. NHTSA also has a long history of encouraging the dissemination of product information in languages that are useful for the vehicle owners. (See example <http://isearch.nhtsa.gov/files/8047.html>)

4. English Owner's manuals for Mazda motor vehicles manufactured on or after 2002 can be downloaded from MNAO's Web site or upon request through MNAO dealerships and is available for customers in Puerto Rico free of charge.

5. MNAO has not received any complaints or claims in Puerto Rico with regards to the language of the owner's manuals.

MNAO has additionally informed NHTSA that it has corrected future production and that all other motor vehicle owner's manuals are correct.

**NHTSA Decision:** NHTSA agrees with Mazda that the noncompliance is inconsequential to motor vehicle safety. MNAO has provided sufficient documentation that the language in the Owner's Manual is the primary language for Puerto Rico and does not present a safety risk.

In consideration of the foregoing, NHTSA has determined that MNAO has met its burden of persuasion that the subject FMVSS No. 225 noncompliance in the vehicles identified in MNAO's Noncompliance Information Report is inconsequential to motor vehicle safety. Accordingly, MNAO's petition is hereby granted and MNAO is exempted from the obligation of providing notification of, and a remedy for, that 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 60,509 vehicles that MNAO 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 MNAO notified them that the subject noncompliance existed.

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

Issued on: June 18, 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-2012-0118; Notice 2]

#### Mazda North American Operations, Grant of Petition for Decision of Inconsequential Noncompliance

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

**ACTION:** Grant of Petition.

**SUMMARY:** Mazda North American Operations (MNAO),<sup>1</sup> on behalf of Mazda Motor Corporation of Hiroshima, Japan (Mazda),<sup>2</sup> has determined that certain Mazda brand motor vehicles manufactured between 2007 and 2012 for sale or lease in Puerto Rico, do not fully comply with paragraph S4.5 of Federal Motor Vehicle Safety Standard (FMVSS) No. 138, *Tire Pressure Monitoring Systems*. MNAO has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports*, dated June 21, 2012.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, MNAO 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 October 24, 2012 in the **Federal Register** (77 FR 65051). No comments were received. To view the petition and all supporting documents

<sup>1</sup> Mazda North American Operations is a U.S. company that manufactures and imports motor vehicles.

<sup>2</sup> Mazda Motor Corporation is a Japanese company that manufactures motor vehicles.

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-2012-0118."

**Contact Information:** For further information on this decision contact Mr. Harry Thompson, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202)366-5289, facsimile (202) 366-5930.

**Vehicles Involved:** Affected are approximately 16,748 Mazda brand motor vehicles manufactured between 2007 and 2012 for sale or lease in Puerto Rico \* \* \*

**Rule Text:** Section S4.5 of FMVSS No. 138 specifically states:

S4.5 Written instructions.

(a) Beginning on September 1, 2006, the owner's manual in each vehicle certified as complying with S4.5 must provide an image of the Low Tire Pressure Telltale symbol (and an image of the TPMS Malfunction Telltale warning ("TPMS")), if a dedicated telltale is utilized for this function) with the following statement in English:

Each tire, including the spare (if provided), should be checked monthly when cold and inflated to the inflation pressure recommended by the vehicle manufacturer on the vehicle placard or tire inflation pressure label. (If your vehicle has tires of a different size than the size indicated on the vehicle placard or tire inflation pressure label, you should determine the proper tire inflation pressure for those tires.)

As an added safety feature, your vehicle has been equipped with a tire pressure monitoring system (TPMS) that illuminates a low tire pressure telltale when one or more of your tires is significantly under-inflated. Accordingly, when the low tire pressure telltale illuminates, you should stop and check your tires as soon as possible, and inflate them to the proper pressure. Driving on a significantly under-inflated tire causes the tire to overheat and can lead to tire failure. Under-inflation also reduces fuel efficiency and tire tread life, and may affect the vehicle's handling and stopping ability...

**Summary of MNAO's Analyses:** MNAO explains that the noncompliance is that certain Mazda brand motor vehicles sold in Puerto Rico were not delivered with the instruction statements required by paragraph S4.5(a) of FMVSS No 138 written in English. The instructions were provided in Spanish as part of the Spanish language version of the vehicle owner's manual provided with the vehicles at first sale; however, no English version owner's manuals were provided.

MNAO stated its belief that while the subject motor vehicles were delivered to customers in Puerto Rico with owner's manuals that did not include the statement as required by paragraph

S4.5(a) of FMVSS No. 138 in English, it is inconsequential as it relates to motor vehicle safety for the following reasons:

1. All affected owner's manuals contain accurate Spanish translations of the information.

2. In Puerto Rico, Spanish is the universally prevalent language. According to a U.S. Census done by the Census Bureau in 2010, 95.7% of Puerto Rico's population speaks Spanish as their primary language.

3. English owner's manuals for Mazda motor vehicles manufactured on or after 2002 can be downloaded from MNAO's Web site or upon request through MNAO dealerships and is available for customers in Puerto Rico free of charge.

4. MNAO has not received any complaints or claims in Puerto Rico with regards to the language of the owner's manuals.

MNAO has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 138.

In summation, MNAO believes that the described noncompliance of the subject 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.

**NHTSA Decision:** NHTSA agrees with MNAO that the noncompliance is inconsequential to motor vehicle safety. MNAO has provided sufficient documentation that the language in the Owner's Manual is the primary language for Puerto Rico and does not present a safety risk.

In consideration of the foregoing, NHTSA has determined that MNAO has met its burden of persuasion that the subject FMVSS No. 138 noncompliance in the vehicles identified in MNAO's Noncompliance Information Report is inconsequential to motor vehicle safety. Accordingly, MNAO's petition is hereby granted and MNAO is exempted from the obligation of providing notification of, and a remedy for, that 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 16,748 vehicles that MNAO 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 MNAO notified them that the subject noncompliance existed.

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

Issued on: June 18, 2013.

**Claude H. Harris,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### Information Collection Activities; End-of-Year Railroad Service Outlook

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3519 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek from the Office of Management and Budget (OMB) approval of the information collection resulting from the Board's annual request that Class I carriers and other rail carriers that are members of the American Shortline and Regional Railroad Association (ASLRRA) provide the Board with information about the plans and preparations that these rail carriers have made in anticipation of the increased demand for rail service during the fall peak demand season.

Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be

summarized and included in the Board's request for OMB approval.

#### Description of Collection

**Title:** End-of-Year Railroad Service Outlook.

**OMB Control Number:** 2140-XXXX.

**STB Form Number:** None.

**Type of Review:** Existing collection in use without an OMB control number.

**Respondents:** The Class I rail carriers and carriers that are members of ASLRRA.

**Number of Respondents:** An average of 11 carriers respond to this request to voluntarily provide this information.

**Frequency:** Once per year.

**Total Burden Hours** (annually including all respondents): We estimate a total of 33.3 hours for all responding carriers (30.3 hours per response × 11 respondents).

**Total "Non-hour Burden" Cost:** Because respondents email their response letters to the Board, there are no non-hour costs to respondents.

**Needs and Uses:** The shipping community and our economy as a whole depend on reliable and efficient freight rail service. The Board and rail shippers need to understand how carriers plan to meet the increased demand for rail service during the fall peak demand season, including capital plans for relieving bottlenecks. For several years, the STB has asked Class I railroads, along with the American Short Line and Regional Railroad Association (ASLRRA) member railroads, to provide a forward-looking assessment of their ability to meet end-of-year business demands for rail service, which typically increase during the fall shipping season. The Board uses this information to monitor efforts by the country's rail carriers to meet the increased fall peak demand for rail service. The Congressional Budget Office has praised the Board's efforts in monitoring the fall peak seasonal demand for rail service and has said that it "may have prompted the railroads to enhance their efforts to meet demand."

**DATES:** Comments on this information collection should be submitted by August 23, 2013.

**ADDRESSES:** Direct all comments to Marilyn Levitt, Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001, or to [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). When submitting comments, please refer to "End-of-Year Railroad Service Outlook."

**FOR FURTHER INFORMATION CONTACT:** Marilyn Levitt at (202) 245-0269 or at [levittm@stb.dot.gov](mailto:levittm@stb.dot.gov). [Assistance for the hearing impaired is available through the Federal Information Relay Service